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CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
REGION 1, NORTH COAST REGION

ORDER NO. R1-2006-0001
NPDES NO. CA0022756

The following permittee is authorized to discharge in accordance with the conditions set forth in this Order:

Discharger	**City of Crescent City**
Name of Facility	**Wastewater Treatment Facility**
Facility Address	**210 Battery Street**
	Crescent City CA 95531
	Del Norte County

The permittee is authorized to discharge from the following discharge points as set forth below:

Discharge Point	Effluent Description	Discharge Point Latitude	Discharge Point Longitude	Receiving Water
001	**Secondary effluent**	**41 °, 44', 38" N**	**124 °, 12', 10" W**	**Pacific Ocean**

This Order was adopted by the Regional Water Board on:	**January 25,2006**
This Order shall become effective on:	**February 24,2006**
This Order shall expire on:	**January 25,2011**
The U.S. Environmental Protection Agency (U.S. EPA) and the Regional Water Board have classified this discharge as a major discharge.	
The permittee shall file a Report of Waste Discharge in accordance with Title 23, California Code of Regulations, not later than 180 days in advance of the Order expiration date as application for issuance of new waste discharge requirements.	

IT IS HEREBY ORDERED, that Order No. R1-2000-71 is rescinded upon the effective date of this Order except fox enforcement purposes, and, in order to meet the provisions contained in Division 7 of the California Water Code (CWC) and regulations adopted therein, and the provisions of the federal Clean Water Act (CWA), and regulations and guidelines adopted therein, the permittee shall comply with the requirements in this Order.

I, Catherine E. Kuhlman, Executive Officer, do hereby certify the following is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, North Coast Region, on January 25,2006.

Catherine E. Kuhlman
Executive Officer

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
REGION 1, NORTH COAST REGION

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TABLE OF CONTENTS

I. FACILITY INFORMATION

The following permittee is authorized to discharge in accordance with the conditions set forth in this Order:

Discharger	**City of Crescent City**
Name of Facility	**Wastewater treatment facility**
Facility Address	**210 Battery Street**
	Crescent City CA 95531
	Del Norte County
Facility Contact, Title, and Phone	**James Barnts, City Engineer, (707) 464-9506**
Mailing Address	**377 J Street, Crescent City CA 95531**
Type of Facility	**Publicly-owned treatment works**
Facility Design Flow	**1.86 MGD ADWF**

II. FINDINGS

The California Regional Water Quality Control Board, North Coast Region (hereinafter Regional Water Board), finds:

A. **Background.** The City of Crescent City (hereinafter permittee) is currently discharging under Order No. R1-2000-71 and National Pollutant Discharge Elimination System (NPDES) Permit No. CA0022756. The permittee submitted a Report of Waste Discharge, dated February 10, 2004, and applied for a NPDES permit renewal to discharge up to 6.12 MGD of treated wastewater from the Crescent City Wastewater Treatment Facility**,** hereinafter Facility. The application was deemed complete on September 22, 2005.

B. **Facility Description.** The permittee owns and operates a wastewater treatment facility. The treatment system consists of clarifiers for primary treatment and rotating biological contactors for secondary treatment. Wastewater is discharged from Discharge 001 (see table on cover page) to the Pacific Ocean, a water of the United States. Attachment B provides a topographic map of the area around the facility. Attachment C provides a flow schematic of the facility.

C. **Legal Authorities.** This Order is issued pursuant to section 402 of the Federal Clean Water Act (CWA) and implementing regulations adopted by the U.S. Environmental Protection Agency (USEPA) and Chapter 5.5, Division 7 of the California Water Code (CWC). It shall serve as a NPDES permit for point source discharges from this facility to surface waters. This Order also serves as Waste Discharge Requirements (WDRs) pursuant to Article 4, Chapter 4 of the CWC for any discharges that are not subject to regulation under CWA section 402.

D. **Background and Rationale for Requirements**. The Regional Water Board developed the requirements in this Order based on information submitted as part of the application, through monitoring and reporting programs, and through special studies. Attachments A through F, which contain background information and rationale for Order requirements, are hereby incorporated into this Order and, thus, constitute part of the Findings for this Order.

E. **California Environmental Quality Act (CEQA).** This action to adopt an NPDES permit is exempt from Chapter 3 of the of the California Environmental Quality Act (Public Resources Code section 21100, et seq.), in accordance with section 13389 of the CWC.

F. **Technology-based Effluent Limitations.** Title 40 of the Code of Federal Regulations (40 CFR), at section 122.44(a), requires that permits include applicable technology-based limitations and standards. This Order includes technology-based effluent limitations based on Secondary Treatment Standards at 40 CFR Part 133. A detailed discussion of the technology-based effluent limitations development is included in the Fact Sheet (Attachment F).

G. **Water Quality-based Effluent Limitations.** Section 122.44(d) of 40 CFR requires that permits include water quality-based effluent limitations (WQBELs) to attain and maintain applicable numeric and narrative water quality criteria to protect the beneficial uses of the receiving water. Where numeric water quality objectives have not been established, 40 CFR §122.44(d) specifies that WQBELs may be established using USEPA criteria guidance under CWA section 304(a),

proposed State criteria or a State policy interpreting narrative criteria supplemented with other relevant information, or an indicator parameter.

H. **Water Quality Control Plans.** The Regional Water Board adopted a Water Quality Control Plan for the North Coast Basin (hereinafter Basin Plan) that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan. Beneficial uses applicable to the Pacific Ocean are as follows:

Discharge Point	Receiving Water Name	Beneficial Use(s)
001	Pacific Ocean	Existing: Navigation (NAV); water contact recreation (REC1); non-contact water recreation (REC2); commercial and sport fishing (COMM); wildlife habitat (WILD), preservation or rare, threatened or endangered species (RARE); marine habitat (MAR); migration of aquatic organisms (MIGR); spawning, reproduction, and/or early de4velopment (SPWN); shellfish harvesting (SHELL); aquaculture (AQUA). Potential: Industrial service supply (IND); industrial process supply (PRO); preservation of areas of special biological significance (ASBS).

The Basin Plan relies primarily on the requirements of the *Water Quality Control Plan for Ocean Waters of California* (Ocean Plan) for protection of the beneficial uses of the State ocean waters. The Basin Plan, however, may contain additional water quality objectives applicable to the permittee.

Requirements of this Order specifically implement the applicable Water Quality Control Plans.

I. **Antidegradation Policy.** Section 131.12 of 40 CFR requires that State water quality standards include an antidegradation policy consistent with the federal policy. The State Water Board established California's antidegradation policy in State Water Board Resolution 68-16, which incorporates the requirements of the federal antidegradation policy. Resolution 68-16 requires that existing quality of waters be maintained unless degradation is justified based on specific findings. The Regional Water Board Basin Plan implements, and incorporates by reference, both the State and federal antidegradation policies. As discussed in detail in the Fact Sheet (Attachment F) the permitted discharge is consistent with the antidegradation provision of 40 CFR §131.12 and State Water Board Resolution 68-16.

J. **Anti-Backsliding Requirements.** Sections 402(o)(2) and 303(d)(4) of the CWA and federal regulations at 40 CFR § 122.44(l) prohibit backsliding in NPDES permits. These anti-backsliding provisions require effluent limitations in a reissued permit to be as stringent as those in the previous permit, subject to various exceptions. Some effluent limitations in this Order are less stringent that those in the previous Order. As discussed in detail in the Fact Sheet (Attachment F), these changes to the effluent limitations are consistent with the anti-backsliding requirements of the CWA and federal regulations.

K. **Monitoring and Reporting.** Section 122.48 of 40 CFR requires that all NPDES permits specify requirements for recording and reporting monitoring results. Sections 13267 and 13383 of the CWC authorize the Regional Water Boards to require technical and monitoring reports. The Monitoring and Reporting Program establishes monitoring and reporting requirements to implement federal and State requirements. This Monitoring and Reporting Program is provided in Attachment E.

L. **Standard and Special Provisions.** Standard Provisions, which in accordance with 40 CFR §§122.41and 122.42, apply to all NPDES discharges and must be included in every NPDES permit, are provided in Attachment D. The Regional Water Board has also included in this Order special provisions applicable to the permittee. A rationale for the special provisions contained in this Order is provided in the attached Fact Sheet (Attachment F).

M. **Notification of Interested Parties.** The Regional Water Board has notified the permittee and interested agencies and persons of its intent to prescribe Waste Discharge Requirements for the discharge and has provided them with an opportunity to submit their written comments and recommendations. Details of notification are provided in the Fact Sheet (Attachment F) of this Order.

N. **Consideration of Public Comment.** The Regional Water Board, in a public meeting, heard and considered all comments pertaining to the discharge. Details of the Public Hearing are provided in the Fact Sheet (Attachment F) of this Order.

III. DISCHARGE PROHIBITIONS

A. The discharge of any waste not disclosed by the Permittee or not within the reasonable contemplation of the Regional Water Board is prohibited.

B. Creation of a pollution, contamination, or nuisance, as defined by Section 13050 of the California Water Code (CWC) is prohibited.

C. The discharge of sludge is prohibited within the State of California, except as authorized by another order of the State Water Board or Regional Water Board.

D. The discharge or reclamation of untreated or partially treated waste (receiving a lower level of treatment than described in Finding II.B) from anywhere within the collection, treatment, or disposal facility is prohibited, except as provided for in Attachment D, Standard Provision I.G *[Bypass Provision]*.

E. The discharge of waste at any point not described in Finding II.B. or authorized by any State Water Board or other Regional Water Board permit is prohibited.

IV. EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS

A. Effluent Limitations – Discharge Point 001

1. Final Effluent Limitations – Discharge Point 001

a. The discharge of secondary treated municipal wastewater shall maintain compliance with the following effluent limitations at Discharge Point 001, with compliance measured at Monitoring Location M-001 as described in the attached Monitoring and Reporting Program (Attachment E):

Parameter	Units	Effluent Limitations					
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum	Six-Month Median
Biochemical Oxygen Demand 5-day @ 20°C	mg/L	30	45				
	lbs/day	700	1050				
Total Suspended Solids	mg/L	30	45				
	lbs/day	475	710				
PH	standard units				6.0	9.0	
Oil and Grease	mg/L	25	40			75	
Settleable Solids	ml/L	0.1		0.2		3.0	
Turbidity	NTU	75	100			225	
Total Chlorine Residual	mg/L			0.24		1.8	0.06
Ammonia	mg N/L			72		180	18
Copper	mg/L			0.3		0.84	0.032
Zinc	mg/L			2.2		5.8	0.37
Chloroform	mg/L	3.9					
bis(2-chloroethyl) ether	ug/L	1.4					
bis(2-chloroethoxy) methane	ug/L	130					
N-nitrosodimethyl amine	ug/L	220					

b. **Biochemical Oxygen Demand Percent Removal:** The average monthly percent removal of BOD 5-day 20°C shall not be less than 75 percent.

c. **Total Suspended Solids Percent Removal:** The average monthly percent removal of total suspended solids shall not be less than 85 percent.

d. **Most Probable Number (MPN) of Fecal Coliform Organisms per 100 milliliters:** The monthly median shall not exceed 14 and not more than ten percent of the samples collected in any calendar month shall exceed 43.

V. RECEIVING WATER LIMITATIONS

A. Surface Water Limitations

Receiving water limitations are based on water quality objectives contained in the Basin Plan and are a required part of this Order. The discharge of waste shall not cause the following water quality objectives to be violated upon completion of initial dilution:[1]

1. Bacterial Characteristics

   a. Body-Contact Standards
   Within a zone bounded by the shoreline and a distance of 1000 feet from the shoreline or the 30-foot depth contour, whichever is farther from the shoreline, and in areas outside this zone used for body-contact sports, as determined by the Regional Water Board, but including all kelp beds, the following bacterial objectives shall be maintained throughout the water column:
      i. Samples of water from each sampling station shall have a density of total coliform organisms of less than 1,000 per 100 mL (10 per mL); provided that not more than 20 percent of the samples at any sampling station, in any 30-day period, may exceed 1,000 per 100 mL (10 per mL), and provided further that no single sample when verified by a repeat sample taken within 48 hours shall exceed 10,000 per 100 mL (100 per mL).
      ii. The fecal coliform density based on a minimum of five samples for any 30-day period shall not exceed a geometric mean of 200 per 100 mL nor shall more than 10 percent of the total samples during any 60-day period exceed 400 per 100 mL
      iii. Measurements of enterococcus density shall be conducted at all stations where total and fecal coliform measurements are required. The geometric mean enterococcus density shall not exceed 24 organisms per 100 mL for a 30-day period or 12 organisms per 100 mL for a six-month period. The geometric mean shall be a moving average based on no fewer than 5 samples per month evenly spaced over the time interval.

   b. Shellfish Harvesting Standards
   At all areas where shellfish may be harvested for human consumption as determined by the Regional Water Board, the following bacteriological objectives shall be maintained throughout the water column: In any 30-day period, the median total coliform concentration shall not exceed 70 per 100 mL, and not more than 10 percent of the samples shall exceed 230 per 100 mL.

2. Physical Characteristics

   a. Floating particulates and grease and oil shall not be visible.

   b. The discharge of waste shall not cause aesthetically undesirable discoloration of the ocean surface.

   c. Natural light shall not be significantly reduced at any point outside the initial dilution zone as the result of the discharge of waste.

[1] Unless otherwise specified, terms used herein in this section shall have the same meaning as set forth in the Ocean Plan.

d. The rate of deposition of inert solids in the ocean sediments shall not be changed such that benthic communities are degraded.

3. Chemical Characteristics

a. The dissolved oxygen concentration shall not at any time be depressed more than ten percent from that which occurs naturally as a result of the discharge of oxygen-demanding waste materials.

b. The pH shall not be changed at any time more than 0.2 units from that which occurs naturally.

c. The dissolved sulfide concentration of waters in and near sediments shall not be significantly increased above that present under natural conditions.

d. The concentration of substances set forth in Table B of Effluent Limitation B.1. in marine sediments shall not be increased to levels that would degrade indigenous biota.

e. The concentration of organic materials in marine sediments shall not be increased to levels that would degrade marine life.

f. Nutrient materials shall not cause objectionable aquatic growths or degrade indigenous biota.

4. Biological Characteristics

a. Marine communities, including vertebrate, invertebrate, and plant species, shall not be degraded.

b. The natural taste, odor, and color of fish, shellfish, or other marine resources used for human consumption shall not be altered.

c. The concentration of organic materials in fish, shellfish, or other marine resources used for human consumption shall not bioaccumulate to levels that are harmful to human health.

5. General Standards

a. The discharge shall not cause a violation of any applicable water quality standard for receiving waters adopted by the Regional Water Board or the State Water Board as required by the Clean Water Act and regulations adopted thereunder.

b. The discharge shall be essentially free of:
   i. Material that is floatable or will become floatable upon discharge.
   ii. Settleable material or substances that may form sediments that will degrade benthic communities or other aquatic life.
   iii. Substances that will accumulate to toxic levels in marine waters, sediments, or biota.
   iv. Substances that significantly decrease natural light to benthic communities and other marine life.

v. Materials that result in aesthetically undesirable discoloration of the ocean surface.

c. Waste effluent shall be discharged in a manner that provides sufficient initial dilution to minimize the concentrations of substances not removed in the treatment.

d. Location of waste discharges must be determined after a detailed assessment of the oceanographic characteristics and current patterns to assure that:
   i. Pathogenic organisms and viruses are not present in areas where shellfish are harvested for human consumption or in areas used for swimming or other body-contact sports.
   ii. Natural water quality conditions are not altered in areas designated as being of special biological significance.
   iii. Maximum protection is provided to the marine environment.
   iv. The discharge does not adversely affect recreational beneficial uses such as surfing and beach walking.

6. Chronic Toxicity

a. The discharge of secondary treated municipal wastewater shall maintain compliance with a receiving water limitation of 1 TUc (toxic units chronic) at Discharge Point 001, with compliance measured at Monitoring Location R-001 as described in the attached Monitoring and Reporting Program (Attachment E).

b. TUc = 100/NOEL

c. The No Observed Effect Level (NOEL) is expressed as the maximum percent receiving water that causes no observable effect on a test organism, as determined by the result of a critical life stage toxicity test.

VI. PROVISIONS

A. Standard Provisions:

1. **Federal Standard Provisions.** The permittee shall comply with all Standard Provisions included in Attachment D of this Order.

2. **Regional Water Board Standard Provisions.** (*not applicable – These numbered provisions refer to portions of the statewide standard language template inappropriate for this permit. The numbering has been retained to preserve cross-reference accuracy.*)

B. Monitoring and Reporting Program Requirements

The permittee shall comply with the Monitoring and Reporting Program, and future revisions thereto, in Attachment E of this Order.

C. Special Provisions

1. **(***not applicable***)**
2. **(***not applicable***)**
3. **(***not applicable***)**
4. **(***not applicable***)**
5. **(***not applicable***)**

6. Special Provisions for Municipal Facilities (POTWs Only)

   a. Wastewater Collection Systems
   Within 365 days from the effective date of this Order, the Permittee shall develop and implement a management, operation and maintenance program for its wastewater collection system. The program shall include:
      i. Adoption of the necessary legal authorities to implement the program.
      ii. Establishment of collection system performance goals and measures to control infiltration, inflow, and sanitary sewer overflows.
      iii. A schedule to conduct routine, on-going preventive operation and maintenance activities.
      iv. Procedures to identify structural deficiencies and to propose and implement rehabilitation actions.
      v. The design and implementation of an ongoing program to assess the capacity of the collection system and treatment facility.
      vi. The maintenance of accurate collection system maps and maintenance records.
      vii. Collection system employee training program.
      viii. Establishment and implementation of asset management and long-term planning geared to providing adequate system capacity for base and peak flows in the collection system.

   b. Sanitary Sewer Overflows

i. The Permittee shall submit to the Regional Water Board within 180 days of the effective date of this Order an updated Spill Response and Notification Plan. The Permittee shall review at least every five years and update the Plan, as necessary, and include an updated Plan in the application for new waste discharge requirements.

ii. All feasible steps shall be taken to stop sanitary sewer overflows (SSOs) as soon as possible by unblocking the line, diverting overflows to a nearby sewer line, and/or otherwise mitigating impacts of SSOs. All reasonable steps shall be taken to collect spilled sewage and protect the public from contact with wastes or waste-contaminated soil.

iii. SSOs shall be reported to the Regional Water Board staff in accordance with the following:

(a.) *SSOs in excess of 1,000 gallons* or any SSO that results in sewage reaching surface waters, or if it is likely that more than 1,000 gallons has escaped the collection system, shall be reported immediately by telephone. A written description of the event shall be submitted with the monthly monitoring report.

(b.) *SSOs that result in a sewage spill between 5 gallons and 1,000 gallons* that does not reach a waterway shall be reported by telephone within 24 hours. A written description of the event shall be submitted with the monthly monitoring report.

(c.) *SSOs that result in a sewage spill less than 5 gallons* that do not enter a waterway do not require Regional Water Board notification.

(d.) Information to be provided verbally includes:

(i.) Name and contact information of caller.
(ii.) Date, time and location of SSO occurrence.
(iii.) Estimates of spill volume, rate of flow, and spill duration.
(iv.) Surface water bodies impacted.
(v.) Cause of spill.
(vi.) Cleanup actions taken or repairs made.
(vii.)Responding agencies.

(e.) Information to be provided in writing includes:

(i.) Information provided in verbal notification.
(ii.) Other agencies notified by phone.
(iii.) Detailed description of cleanup actions and repairs taken.
(iv.) Description of actions that will be taken to minimize or prevent future spills.

iv. The Permittee shall submit an annual report to the Regional Water Board describing the Permittee's activities within the collection system over the previous calendar year. This annual report is due to be received by the Regional Water Board by March 1st of each year and shall contain:

(a.) A description of any change in the local legal authorities enacted to implement the program.

(b.) A summary of the SSOs that occurred in the past year. The summary shall include the date, location of overflow point, affected receiving water (if any), estimated volume, and cause of the SSO, the names and addresses of the responsible parties (if other than the Permittee).

(c.) A summary of compliance and enforcement activities during the past year. The summary shall include fines, other penalties, or corrective actions.
(d.) Documentation of steps taken to stop and mitigate impacts of sanitary sewer overflows.

v. The Permittee shall perform a self-audit at least once during the life of the Permit to assess the degree to which the performance measurements are being met.

vi. The Permittee shall provide notice to the public of the availability of each annual report in a manner reasonably designed to inform the public. The notice shall include a contact person and telephone number for the Permittee and information on how to obtain a copy of the report. The Permittee shall provide documentation that the annual report has been made available to the public.

c. Pretreatment

i. The permittee shall be responsible for the performance of all pretreatment requirements contained in 40 CFR Part 403 and shall be subject to enforcement actions, penalties, fines and other remedies by the U.S. EPA or other appropriate parties as provided in the Clean Water Act, as amended (33 USC 1351 et seq.) (hereinafter "Act"). The permittee shall implement and enforce its approved Wastewater Treatment Facility (WWTF) Pretreatment Program. The permittee's approved WWTF Pretreatment Program is hereby made an enforceable condition of this Permit. U.S. EPA may initiate enforcement action against an industrial user for noncompliance with applicable standards and requirements as provided in the Act.

ii. The permittee shall enforce the requirements promulgated under Sections 307(b), 307(c), 307(d) and 402(d) of the Act. The permittee shall cause industrial users subject to Federal Categorical Standards to achieve compliance no later than the date specified in those requirements or, in the case of a new industrial user, upon commencement of the discharge.

iii. The permittee shall perform the pretreatment functions as required in 40 CFR Part 403 including, but not limited to:
(a.) Implement the necessary legal authorities as provided in 40 CFR 403.8(f)(1);
(b.) Enforce the pretreatment requirements under 40 CFR 403.5 and 403.6;
(c.) Implement the programmatic functions as provided in 40 CFR 403.8(f)(2); and
(d.) Provide the requisite funding and personnel to implement the pretreatment program as provided in 40 CFR 403.8(f)(3).

iv. Annual Reporting Requirements

The permittee shall submit annually a report to U.S. EPA Region 9 and the State Water Board describing the permittee's pretreatment activities over the previous twelve months. In the event that the permittee is not in compliance with any conditions or requirements of this Permit, the permittee shall also include the reasons for noncompliance and state how and when the discharge shall comply with such conditions and requirements. This annual report is due on February 28th of each year and shall contain, but not be limited, to the following information:

(a.) WWTF Influent, Effluent, and Sludge Sampling Results

Sampling results shall include a summary of analytical results from representative, flow-proportioned, 24-hour composite sampling of the WWTF's influent and effluent for those pollutants U.S. EPA has identified under Section 307(a) of the Act which are known or suspected to be discharged by industrial users. The permittee is not required to sample for asbestos until U.S. EPA promulgates an applicable analytical technique under 40 CFR Part 136.

Sludge shall be sampled during the same 24-hour period and analyzed for the same pollutants as the influent and effluent sampling and analysis. The sludge analyzed shall be a composite sample of a minimum of 12 discrete samples taken at equal time intervals over the 24-hour period. This sampling method is applicable to sludge that is dewatered on-site and immediately hauled off-site for disposal. However, if the sludge is dried in drying beds prior to its final disposal, the sludge composite sample shall be from twelve discrete samples collected from twelve representative locations of the drying beds. Wastewater and sludge sampling and analysis shall be performed in accordance with the frequency stated in the waste discharge monitoring requirements.
The permittee also shall provide any influent, effluent, or sludge monitoring data for nonpriority pollutants that the permittee believes may be causing or contributing to interference, pass-through, or adversely impacting sludge quality. Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto.

(b.) Upset, Interference, or Pass-through
Include a discussion of upset, interference, or pass-through incidents, if any, at the WWTF that the permittee knows or suspects were caused by industrial users of the WWTF system. The discussion shall include the reasons why the incidents occurred, the corrective actions taken, and, if known, the name and address of the industrial user(s) responsible. The discussion shall also include a review of the applicable local or federal discharge limitations to determine whether any additional limitations, or changes to existing requirements, may be necessary to prevent pass-through, interference, or noncompliance with sludge disposal requirements.

(c.) Baseline Monitoring Reports
List the cumulative number of industrial users that the permittee has notified regarding Baseline Monitoring Reports and the cumulative number of industrial user responses.

(d.) List of Industrial Users
An updated list of the permittee's industrial users, including their names and addresses, or a list of deletions and additions keyed to a previously submitted list shall be included. The permittee shall provide a brief explanation for each deletion. The list shall identify the industrial users subject to Federal Categorical Standards by specifying which category(s) of standards are applicable. The list shall indicate which categorical industrial, or specific pollutants from each industry, are subject to local limitations that are more stringent than the Federal Categorical Standards. The permittee also shall list the non-categorical industrial users that are

subject only to local discharge limitations. The permittee shall characterize the compliance status of each industrial user by employing all applicable descriptions:

(i.) In compliance with Baseline Monitoring Report requirements (where applicable);
(ii.) Consistently achieving compliance;
(iii.) Inconsistently achieving compliance;
(iv.) Significantly violated applicable pretreatment required as defined by 40 CFR 403.8(f)(2)(vii);
(v.) On a compliance schedule to achieve compliance (include the date final compliance is required);
(vi.) Not achieving compliance and not on a compliance schedule;
(vii.)The permittee does not know the industrial user's compliance status.

(e.) Industrial User Inspections and Sampling by WWTF

A summary of the inspection and sampling activities conducted by the permittee during the past year to gather information and data regarding industrial users shall be included. The summary shall consist of:

(i.) The names and addresses of the industrial users subject to surveillance by the permittee and an explanation of whether they were inspected, sampled, or both, and the frequency of these activities at each user; and
(ii.) The conclusion or results from the inspection or sampling of each industrial user.

(f.) Compliance and Enforcement Activities

A summary of the compliance and enforcement activities during the past year shall include the names and addresses of the industrial users affected by the following actions:

(i.) Warning letters or notices of violation regarding the industrial user's apparent noncompliance with Federal Categorical Standards or local discharge limitations. For each industrial user, identify whether the apparent violation concerned the Federal Categorical Standards or local discharge limitations;
(ii.) Administrative Orders regarding the industrial user's noncompliance with Federal Categorical Standards or local discharge limitations. For each industrial user, identify whether the violation concerned the Federal Categorical Standards or local discharge limitations;
(iii.)Civil actions regarding the industrial user's noncompliance with Federal Categorical Standards or local discharge limitations. For each industrial user, identify whether the violation concerned the Federal Categorical Standards or local discharge limitations;
(iv.)Criminal actions regarding the industrial users' noncompliance with Federal Categorical Standards or local discharge limitations. For each industrial user, identify whether the violation concerned the Federal Categorical Standards or local discharge limitations;
(v.) Assessment of monetary penalties. For each industrial user, identify the amount of penalties;
(vi.) Restriction of flow to the WWTF; or
(vii.)Disconnection from discharge to the WWTF.

(g.) Changes in the Approved Pretreatment Program
Include a description of any significant changes in operating the pretreatment program that differ from the information in the permittee's approved WWTF Pretreatment Program including, but not limited to, changes concerning: the program's administrative structure, local industrial discharge limitations, monitoring program or monitoring frequencies, legal authority or enforcement policy, funding mechanisms, resource requirements, or staff levels.

(h.) A summary of the Annual Pretreatment Budget
Attach a summary of the annual pretreatment budget, including the cost of pretreatment program functions and equipment purchases.

(i.) Public Participation Activities
Attach a copy of the public notice as required in 40 CFR 403.8(f)(2)(vii). If no notice was published, explain why.

(j.) Additional Information
Include a description of any changes in sludge disposal methods and a discussion of any concerns not described elsewhere in the report.

v. Quarterly Reporting Requirements
The permittee shall submit quarterly compliance status reports to U.S. EPA Region 9 and the State and Regional Water Boards. The reports shall cover the periods January 1 - March 31, April 1 - June 30, July 1 - September 30, and October 1 - December 31. Each report shall be submitted by the end of the month following the quarter, except that the report for October 1 - December 31 may be included in the annual report. This quarterly reporting requirement shall commence for the first full quarter following issuance of this Permit. The reports shall identify:

(a.) All significant industrial users (SIU), as defined by 40 CFR 403.3(t), that violated any standards or reporting requirements during that quarter;

(b.) What the violations were (distinguish between categorical and local limits);

(c.) What enforcement actions were taken; and

(d.) The status of active enforcement actions from previous periods, including closeouts (facilities under previous enforcement actions which attained compliance during the quarter).

Signed copies of the reports shall be submitted to the Regional Water Board, the U.S. EPA Regional Administrator, and the State Water Board at the following addresses:

California Regional Water Quality Control Board
5550 Skylane Boulevard, Suite A
Santa Rosa, CA 95403

Regional Administrator
U.S. Environmental Protection Agency
Attn: WTR-5
75 Hawthorne Street
San Francisco, CA 94105

Pretreatment Program Manager
Regulatory Section
Division of Water Quality
State Water Resources Control Board
P.O. Box 944213
Sacramento, CA 94244-2130

d. Operator Certification
Supervisors and operators of municipal WWTFs shall possess a certificate of appropriate grade in accordance with Title 23, CCR, Section 3680. The State Water Board may accept experience in lieu of qualification training. In lieu of a properly certified WWTF operator, the State Water Board may approve use of a water treatment plant operator of appropriate grade certified by the State DHS where water reclamation is involved.

7. **(***not applicable***)**

VII. COMPLIANCE DETERMINATION

Compliance with the effluent limitations contained in Section IV of this Order will be determined as specified below:

A. Average Monthly Effluent Limitation (AMEL).
If the average of daily discharges over a calendar month exceeds the AMEL for a given parameter, an alleged violation will be flagged and the permittee will be considered out of compliance for each day of that month for that parameter (e.g., resulting in 31 days of non-compliance in a 31-day month). The average of daily discharges over the calendar month that exceeds the AMEL for a parameter will be considered out of compliance for that month only. For purposes of Mandatory Minimum Penalties, a violation of an AMEL will be considered as one violation. Depending on the nature of the violation, the Regional Water Board may, however, pursue discretionary civil penalties for the remaining days of violation. If only a single sample is taken during the calendar month and the analytical result for that sample exceeds the AMEL, the permittee will be considered out of compliance for that calendar month. For any one calendar month during which no sample (daily discharge) is taken, no compliance determination can be made for that calendar month.

B. Average Weekly Effluent Limitation (AWEL).
If the average of daily discharges over a calendar week exceeds the AWEL for a given parameter, an alleged violation will be flagged and the permittee will be considered out of compliance for each day of that week for that parameter, resulting in 7 days of non-compliance. The average of daily discharges over the calendar week that exceeds the AWEL for a parameter will be considered out of compliance for that week only. For purposes of Mandatory Minimum Penalties, a violation of an AWEL will be considered as one violation. Depending on the nature of the violation, the Regional Water Board may, however, pursue discretionary civil penalties for the remaining days of violation. If only a single sample is taken during the calendar week and the analytical result for that sample exceeds the AWEL, the permittee will be considered out of compliance for that calendar week. For any one calendar week during which no sample (daily discharge) is taken, no compliance determination can be made for that calendar week.

C. Maximum Daily Effluent Limitation (MDEL).
If a daily discharge exceeds the MDEL for a given parameter, an alleged violation will be flagged and the permittee will be considered out of compliance for that parameter for that 1 day only within the reporting period. For any 1 day during which no sample is taken, no compliance determination can be made for that day.

D. Instantaneous Minimum Effluent Limitation.
If the analytical result of a single grab sample is lower than the instantaneous minimum effluent limitation for a parameter, a violation will be flagged and the permittee will be considered out of compliance for that parameter for that single sample. Non-compliance for each sample will be considered separately (e.g., the results of two grab samples taken within a calendar day that both are lower than the instantaneous minimum effluent limitation would result in two instances of non-compliance with the instantaneous minimum effluent limitation).

E. Instantaneous Maximum Effluent Limitation.

If the analytical result of a single grab sample is higher than the instantaneous maximum effluent limitation for a parameter, a violation will be flagged and the permittee will be considered out of compliance for that parameter for that single sample. Non-compliance for each sample will be considered separately (e.g., the results of two grab samples taken within a calendar day that both exceed the instantaneous maximum effluent limitation would result in two instances of non-compliance with the instantaneous maximum effluent limitation).

F. Six-month Median Effluent Limitation (6MEL).

If the median of daily discharges over any 180-day period exceeds the six-month median effluent limitation for a given parameter, an alleged violation will be flagged and the permittee will be considered out of compliance for each day of that 180-day period for that parameter. The next assessment of compliance will occur after the next sample is taken. For purposes of Mandatory Minimum Penalties, a violation of a 6MEL will be considered as one violation. Depending on the nature of the violation, the Regional Water Board may, however, pursue discretionary civil penalties for the remaining days of violation. If only a single sample is taken during a given 180-day period and the analytical result for that sample exceeds the six-month median, the permittee will be considered out of compliance for the 180-day period. For any 180-period during which no sample is taken, no compliance determination can be made for the six-month median limitation.

Attachments

1. Attachment A- Definitions
2. Attachment B- Topographic Map
3. Attachment C- Flow Schematic
4. Attachment D- Federal Standard Provisions
5. Attachment E- Monitoring and Reporting Program
6. Attachment F- Fact Sheet

ATTACHMENT A – DEFINITIONS

Average Monthly Effluent Limitation (AMEL): the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

Average Weekly Effluent Limitation (AWEL): the highest allowable average of daily discharges over a calendar week (Sunday through Saturday), calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.

Daily Discharge: Daily Discharge is defined as either: (1) the total mass of the constituent discharged over the calendar day (12:00 am through 11:59 pm) or any 24-hour period that reasonably represents a calendar day for purposes of sampling (as specified in the permit), for a constituent with limitations expressed in units of mass or; (2) the unweighted arithmetic mean measurement of the constituent over the day for a constituent with limitations expressed in other units of measurement (e.g., concentration).

The daily discharge may be determined by the analytical results of a composite sample taken over the course of one day (a calendar day or other 24-hour period defined as a day) or by the arithmetic mean of analytical results from one or more grab samples taken over the course of the day.

For composite sampling, if 1 day is defined as a 24-hour period other than a calendar day, the analytical result for the 24-hour period will be considered as the result for the calendar day in which the 24-hour period ends.

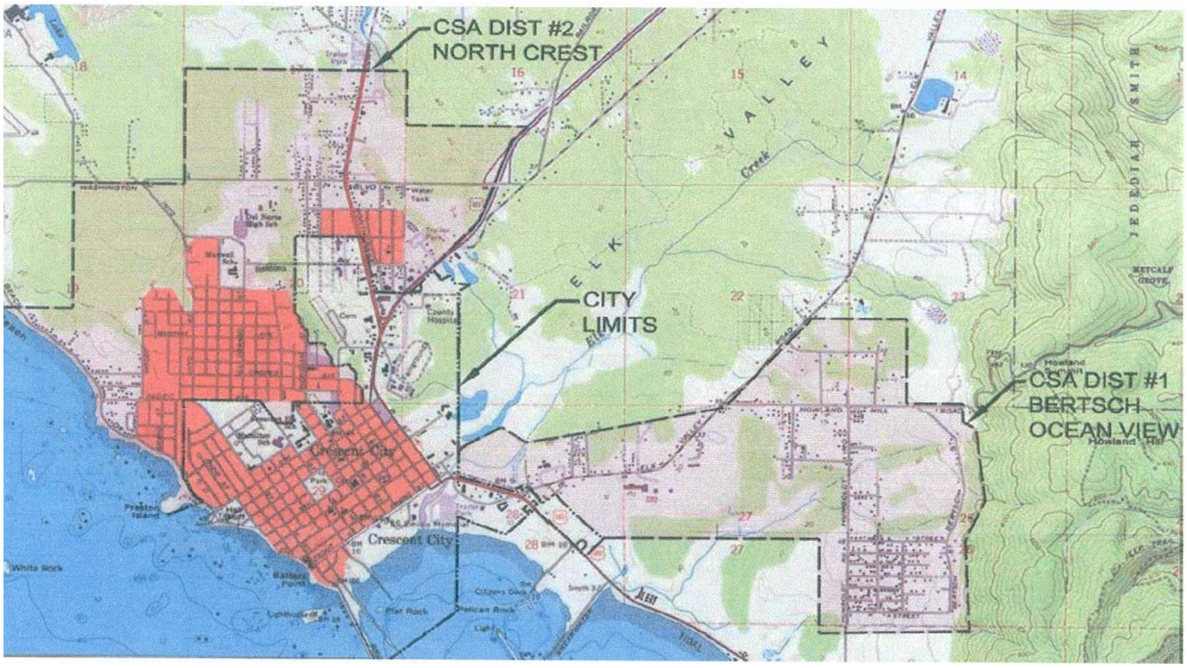
Instantaneous Maximum Effluent Limitation: the highest allowable value for any single grab sample or aliquot (i.e., each grab sample or aliquot is independently compared to the instantaneous maximum limitation).

Instantaneous Minimum Effluent Limitation: the lowest allowable value for any single grab sample or aliquot (i.e., each grab sample or aliquot is independently compared to the instantaneous minimum limitation).

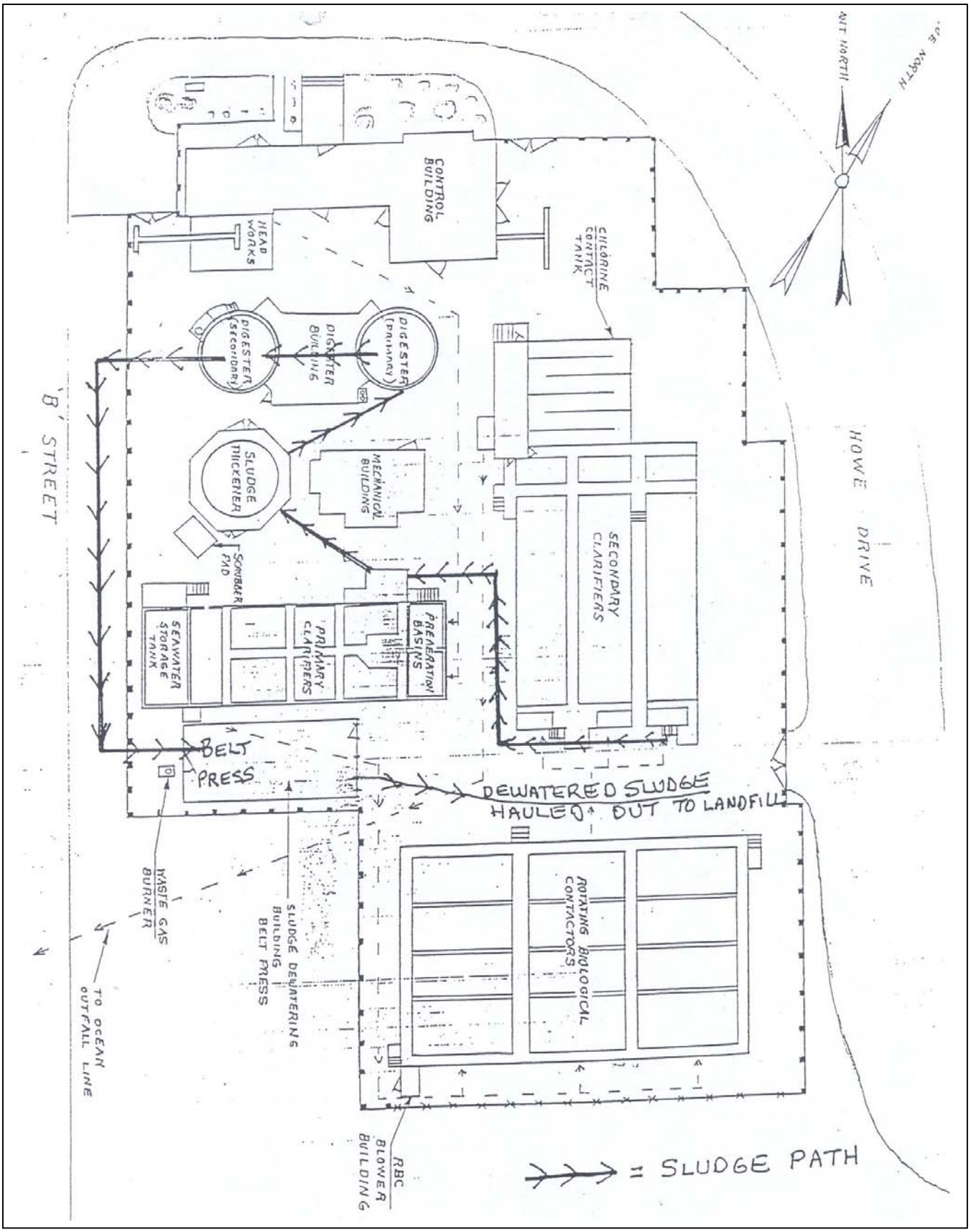
Maximum Daily Effluent Limitation (MDEL): the highest allowable daily discharge of a pollutant.

Six-month Median Effluent Limitation: the highest allowable moving median of all daily discharges for any 180-day period.

ATTACHMENT B – TOPOGRAPHIC MAP



ATTACHMENT C – FLOW SCHEMATIC



ATTACHMENT D – FEDERAL STANDARD PROVISIONS

I. STANDARD PROVISIONS – PERMIT COMPLIANCE

A. Duty to Comply

1. The permittee must comply with all of the conditions of this Order. Any noncompliance constitutes a violation of the Clean Water Act (CWA) and the California Water Code (CWC) and is grounds for enforcement action, for permit termination, revocation and reissuance, or denial of a permit renewal application [*40 CFR §122.41(a)*].

2. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the CWA within the time provided in the regulations that establish these standards or prohibitions, even if this Order has not been modified to incorporate the requirement [*40 CFR §122.41(a)(1)*].

B. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Order [*40 CFR §122.41(c)*].

C. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this Order that has a reasonable likelihood of adversely affecting human health or the environment [*40 CFR §122.41(d)*].

D. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this Order. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems that are installed by a permittee only when necessary to achieve compliance with the conditions of this Order [*40 CFR §122.41(e)*].

E. Property Rights

1. This Order does not convey any property rights of any sort or any exclusive privileges [*40 CFR §122.41(g)*].

2. The issuance of this Order does not authorize any injury to persons or property or invasion of other private rights, or any infringement of State or local law or regulations [*40 CFR §122.5(c)*].

F. Inspection and Entry

The permittee shall allow the Regional Water Quality Control Board (RWQCB), State Water Resources Control Board (SWRCB), United States Environmental Protection Agency (USEPA), and/or their authorized representatives (including an authorized contractor acting as their representative), upon the presentation of credentials and other documents, as may be required by law, to [*40 CFR §122.41(i)*] [*CWC 13383(c)*]:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records are kept under the conditions of this Order [*40 CFR §122.41(i)(1)*];

2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order [*40 CFR §122.41(i)(2)*];

3. Inspect and photograph, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order [*40 CFR §122.41(i)(3)*];

4. Sample or monitor, at reasonable times, for the purposes of assuring Order compliance or as otherwise authorized by the CWA or the CWC, any substances or parameters at any location [*40 CFR §122.41(i)(4)*].

G. Bypass

1. Definitions

   a. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility [*40 CFR §122.41(m)(1)(i)*].

   b. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities, which causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production [*40 CFR §122.41(m)(1)(ii)*].

2. Bypass not exceeding limitations – The permittee may allow any bypass to occur which does not cause exceedances of effluent limitations, but only if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions listed in Standard Provisions – Permit Compliance I.G.3 and I.G.5 below [*40 CFR §122.41(m)(2)*].

3. Prohibition of bypass – Bypass is prohibited, and the Regional Water Board may take enforcement action against a permittee for bypass, unless [*40 CFR §122.41(m)(4)(i)*]:

a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage [*40 CFR §122.41(m)(4)(A)*];

b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance [*40 CFR §122.41(m)(4)(B)*]; and

c. The permittee submitted notice to the Regional Water Board as required under Standard Provision – Permit Compliance I.G.5 below [*40 CFR §122.41(m)(4)(C)*].

4. The Regional Water Board may approve an anticipated bypass, after considering its adverse effects, if the Regional Water Board determines that it will meet the three conditions listed in Standard Provisions – Permit Compliance I.G.3 above [*40 CFR §122.41(m)(4)(ii)*].

5. Notice

a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit a notice, if possible at least 10 days before the date of the bypass [*40 CFR §122.41(m)(3)(i)*].

b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Standard Provisions - Reporting V.E below [*40 CFR §122.41(m)(3)(ii)*].

H. Upset

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation [*40 CFR §122.41(n)(1)*].

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph H.2 of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review [*40 CFR §122.41(n)(2)*].

2. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that [*40 CFR §122.41(n)(3)*]:

a. An upset occurred and that the permittee can identify the cause(s) of the upset [*40 CFR §122.41(n)(3)(i)*];

b. The permitted facility was, at the time, being properly operated [*40 CFR §122.41(n)(3)(i)*];

c. The permittee submitted notice of the upset as required in Standard Provisions – Reporting V.E.2.b [*40 CFR §122.41(n)(3)(iii)*]; and

d. The permittee complied with any remedial measures required under Standard Provisions – Permit Compliance I.C above [*40 CFR §122.41(n)(3)(iv)*].

3. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof [*40 CFR §122.41(n)(4)*].

II. STANDARD PROVISIONS – PERMIT ACTION

A. General

This Order may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any Order condition [*40 CFR §122.41(f)*].

B. Duty to Reapply

If the permittee wishes to continue an activity regulated by this Order after the expiration date of this Order, the permittee must apply for and obtain a new permit [*40 CFR §122.41(b)*].

C. Transfers

This Order is not transferable to any person except after notice to the Regional Water Board. The Regional Water Board may require modification or revocation and reissuance of the Order to change the name of the permittee and incorporate such other requirements as may be necessary under the CWA and the CWC [*40 CFR §122.41(l)(3)*] [*40 CFR §122.61*].

III. STANDARD PROVISIONS – MONITORING

A. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity [*40 CFR §122.41(j)(1)*].

B. Monitoring results must be conducted according to test procedures under 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in 40 CFR Part 503 unless other test procedures have been specified in this Order [*40 CFR §122.41(j)(4)*] [*40 CFR §122.44(i)(1)(iv)*].

IV. STANDARD PROVISIONS – RECORDS

A. Except for records of monitoring information required by this Order related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR Part 503), the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Order, and records of all data used to complete the application for this Order, for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended by request of the Regional Water Board Executive Officer at any time [*40 CFR §122.41(j)(2)*].

B. Records of monitoring information shall include:

1. The date, exact place, and time of sampling or measurements [*40 CFR §122.41(j)(3)(i)*];
2. The individual(s) who performed the sampling or measurements [*40 CFR §122.41(j)(3)(ii)*];
3. The date(s) analyses were performed [*40 CFR §122.41(j)(3)(iii)*];
4. The individual(s) who performed the analyses [*40 CFR §122.41(j)(3)(iv)*];
5. The analytical techniques or methods used [*40 CFR §122.41(j)(3)(v)*]; and
6. The results of such analyses [*40 CFR §122.41(j)(3)(vi)*].

C. Claims of confidentiality for the following information will be denied [*40 CFR §122.7(b)*]:

1. The name and address of any permit applicant or permittee [*40 CFR §122.7(b)(1)*]; and
2. Permit applications and attachments, permits and effluent data [*40 CFR §122.7(b)(2)*].

V. STANDARD PROVISIONS – REPORTING

A. Duty to Provide Information

The permittee shall furnish to the Regional Water Board, SWRCB, or USEPA within a reasonable time, any information which the Regional Water Board, SWRCB, or USEPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order or to determine compliance with this Order. Upon request, the permittee shall also furnish to the Regional Water Board, SWRCB, or USEPA copies of records required to be kept by this Order [*40 CFR §122.41(h)*] [*CWC 13267*].

B. Signatory and Certification Requirements

1. All applications, reports, or information submitted to the Regional Water Board, SWRCB, and/or USEPA shall be signed and certified in accordance with paragraph (2.) and (3.) of this provision [*40 CFR §122.41(k)*].

2. All permit applications shall be signed as follows:

   a. For a corporation: By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures [*40 CFR §122.22(a)(1)*];

   b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively [*40 CFR §122.22(a)(2)*]; or

   c. For a municipality, State, federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this provision, a principal executive officer of a federal agency includes: (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of USEPA) [*40 CFR §122.22(a)(3)*].

3. All reports required by this Order and other information requested by the Regional Water Board, SWRCB, or USEPA shall be signed by a person described in paragraph (b) of this

provision, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

a. The authorization is made in writing by a person described in paragraph (2.) of this provision [*40 CFR §122.22(b)(1)*];

b. The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company (a duly authorized representative may thus be either a named individual or any individual occupying a named position) [*40 CFR §122.22(b)(2)*]; and

c. The written authorization is submitted to the Regional Water Board, SWRCB, or USEPA [*40 CFR §122.22(b)(3)*].

4. If an authorization under paragraph (3.) of this provision is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph (3.) of this provision must be submitted to the Regional Water Board, SWRCB or USEPA prior to or together with any reports, information, or applications, to be signed by an authorized representative [40 CFR §122.22(c)].

5. Any person signing a document under paragraph (2.) or (3.) of this provision shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations" [*40 CFR §122.22(d)*].

C. Monitoring Reports

1. Monitoring results shall be reported at the intervals specified in the Monitoring and Reporting Program in this Order [*40 CFR §122.41(l)(4)*].

2. Monitoring results must be reported on a Discharge Monitoring Report (DMR) form or forms provided or specified by the Regional Water Board or SWRCB for reporting results of monitoring of sludge use or disposal practices [*40 CFR §122.41(l)(4)(i)*].

3. If the permittee monitors any pollutant more frequently than required by this Order using test procedures approved under 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in 40 CFR Part 503, or as

specified in this Order, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Regional Water Board [*40 CFR §122.41(l)(4)(ii)*].

4. Calculations for all limitations, which require averaging of measurements, shall utilize an arithmetic mean unless otherwise specified in this Order [*40 CFR §122.41(l)(4)(iii)*].

D. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this Order, shall be submitted no later than 14 days following each schedule date [*40 CFR §122.41(l)(5)*].

E. Twenty-Four Hour Reporting

1. The permittee shall report any noncompliance that may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within five (5) days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance [*40 CFR §122.41(l)(6)(i)*].

2. The following shall be included as information that must be reported within 24 hours under this paragraph [*40 CFR §122.41(l)(6)(ii)*]:

    a. Any unanticipated bypass that exceeds any effluent limitation in this Order [*40 CFR §122.41(l)(6)(ii)(A)*].

    b. Any upset that exceeds any effluent limitation in this Order [*40 CFR §122.41(l)(6)(ii)(B)*].

    c. Violation of a maximum daily discharge limitation for any of the pollutants listed in this Order to be reported within 24 hours [*40 CFR §122.41(l)(6)(ii)(C)*].

3. The Regional Water Board may waive the above-required written report under this provision on a case-by-case basis if an oral report has been received within 24 hours [*40 CFR §122.41(l)(6)(iii)*].

F. Planned Changes

The permittee shall give notice to the Regional Water Board as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required under this provision only when [*40 CFR §122.41(l)(1)*]:

1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR §122.29(b) [*40 CFR §122.41(l)(1)(i)*]; or

2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in this Order nor to notification requirements under 40 CFR Part 122.42(a)(1) (see Additional Provisions—Notification Levels VII.A.1) [*40 CFR §122.41(l)(1)(ii)*].

3. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan [*40 CFR §122.41(l)(1)(iii)*].

G. Anticipated Noncompliance

The permittee shall give advance notice to the Regional Water Board or SWRCB of any planned changes in the permitted facility or activity that may result in noncompliance with General Order requirements [*40 CFR §122.41(l)(2)]*.

H. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under Standard Provisions – Reporting E.3, E.4, and E.5 at the time monitoring reports are submitted. The reports shall contain the information listed in Standard Provision – Reporting V.E [*40 CFR §122.41(l)(7)*].

I. Other Information

When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Regional Water Board, SWRCB, or USEPA, the permittee shall promptly submit such facts or information [*40 CFR §122.41(l)(8)*].

VI. STANDARD PROVISIONS – ENFORCEMENT

A. The CWA provides that any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed $25,000 per day for each violation. The CWA provides that any person who negligently violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of $2,500 to $25,000 per day of violation, or imprisonment of not more than one (1) year, or both. In the case of a second or subsequent conviction for a negligent violation, a

person shall be subject to criminal penalties of not more than $50,000 per day of violation, or by imprisonment of not more than two (2) years, or both. Any person who knowingly violates such sections, or such conditions or limitations is subject to criminal penalties of $5,000 to $50,000 per day of violation, or imprisonment for not more than three (3) years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than $100,000 per day of violation, or imprisonment of not more than six (6) years, or both. Any person who knowingly violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than $250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than $500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the Clean Water Act, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than $1,000,000 and can be fined up to $2,000,000 for second or subsequent convictions [*40 CFR §122.41(a)(2)*] [*CWC 13385 and 13387*].

B. Any person may be assessed an administrative penalty by the Regional Water Board for violating section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. Administrative penalties for Class I violations are not to exceed $10,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed $25,000. Penalties for Class II violations are not to exceed $10,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed $125,000 [*40 CFR §122.41(a)(3)*].

C. The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than $20,000 per day of violation, or by imprisonment of not more than 4 years, or both [*40 CFR §122.41(j)(5)*].

D. The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this Order, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than six months per violation, or by both [*40 CFR §122.41(k)(2)*].

VII. ADDITIONAL PROVISIONS – NOTIFICATION LEVELS

A. Non-Municipal Facilities

Existing manufacturing, commercial, mining, and silvicultural permittees shall notify the Regional Water Board as soon as they know or have reason to believe [*40 CFR §122.42(a)*]:

1. That any activity has occurred or will occur that would result in the discharge, on a routine or frequent basis, of any toxic pollutant that is not limited in this Order, if that discharge will exceed the highest of the following "notification levels" [*40 CFR §122.42(a)(1)*]:

   a. 100 micrograms per liter (µg/L) [*40 CFR §122.42(a)(1)(i)*];

   b. 200 µg/L for acrolein and acrylonitrile; 500 µg/L for 2,4-dinitrophenol and 2-methyl-4,6-dinitrophenol; and 1 milligram per liter (mg/L) for antimony [*40 CFR §122.42(a)(1)(ii)*];

   c. Five (5) times the maximum concentration value reported for that pollutant in the Report of Waste Discharge [*40 CFR §122.42(a)(1)(iii)*]; or

   d. The level established by the Regional Water Board in accordance with 40 CFR §122.44(f) [*40 CFR §122.42(a)(1)(iv)*].

2. That any activity has occurred or will occur that would result in the discharge, on a non-routine or infrequent basis, of any toxic pollutant that is not limited in this Order, if that discharge will exceed the highest of the following "notification levels" [*40 CFR §122.42(a)(2)*]:

   a. 500 micrograms per liter (µg/L) [*40 CFR §122.42(a)(2)(i)*];

   b. 1 milligram per liter (mg/L) for antimony [*40 CFR §122.42(a)(2)(ii)*];

   c. Ten (10) times the maximum concentration value reported for that pollutant in the Report of Waste Discharge [*40 CFR §122.42(a)(2)(iii)*]; or

   d. The level established by the Regional Water Board in accordance with 40 CFR §122.44(f) [*40 CFR §122.42(a)(2)(iv)*].

B. Publicly-Owned Treatment Works (POTWs)

All POTWs shall provide adequate notice to the Regional Water Board of the following [*40 CFR §122.42(b)*]:

1. Any new introduction of pollutants into the POTW from an indirect permittee that would be subject to Sections 301 or 306 of the CWA if it were directly discharging those pollutants [*40 CFR §122.42(b)(1)*]; and

2. Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of adoption of the Order [*40 CFR §122.42(b)(2)*].

Adequate notice shall include information on the quality and quantity of effluent introduced into the POTW as well as any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW [*40 CFR §122.42(b)(3)*].

Attachment E – Monitoring and Reporting Program – Table of Contents

ATTACHMENT E – MONITORING AND REPORTING PROGRAM (MRP)

The Code of Federal Regulations (CFR) at 40 CFR §122.48 requires that all NPDES permits specify monitoring and reporting requirements. CWC sections 13267 and 13383 also authorize the Regional Water Quality Control Board (RWQCB) to require technical and monitoring reports. This MRP establishes monitoring and reporting requirements which implement the federal and California regulations.

I. GENERAL MONITORING PROVISIONS

A. Composite samples may be taken by a proportional sampling device approved by the Executive Officer or by grab samples composited in proportion to flow. In compositing grab samples, the sampling interval shall not exceed one hour.

II. MONITORING LOCATIONS

The permittee shall establish the following monitoring locations to demonstrate compliance with the effluent limitations, discharge specifications, and other requirements in this Order:

Discharge Point Name	Monitoring Location Name	Monitoring Location Description
--	M-INF	A point in the facility headworks preceding any treatment and receiving all waste from the collection system but no plant recycle streams (the existing monitoring point may be used until September 30, 2006)
001	M-001	A point containing all municipal effluent following dechlorination but prior to mixing with seafood processing plant effluent
--	R-001	Pacific Ocean adjacent to the slot on the east side of Battery Point Light
--	R-002	Pacific Ocean adjacent to Endert's Beach between White Knob and the mouth of Nickel Creek
--	R-003	Pacific Ocean on the east side of Whaler Island
--	R-004	Pacific Ocean adjacent to Preston Island

III. INFLUENT MONITORING REQUIREMENTS

A. Monitoring Location M-INF

1. The permittee shall monitor influent to the facility at M-INF as follows:

Parameter	Units	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method
Biochemical Oxygen Demand	mg/L	24-hour composite	weekly	Standard Method 5210B
Total Suspended Solids	mg/L	24-hour composite	weekly	Standard Method 2540D

2. For purposes of determining percent removal of biochemical oxygen demand (BOD), the permittee may sum the BOD mass computed from samples collected at M-INF and the BOD mass removed by the Rumiano pretreatment process during the same interval. The permittee must provide and certify pretreatment data from the Rumiano plant with all monthly reports for which Rumiano BOD removal is to be considered in percent removal determinations.

IV. EFFLUENT MONITORING REQUIREMENTS

A. Monitoring Location M-001

1. The permittee shall monitor effluent discharged at **M-001** as follows:

Parameter	Units	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method
Flow	MGD	continuous	continuous	Meter
Settleable Solids	mL/L	grab	daily	Standard Method 2540F
pH	pH	grab	daily	40CFR136
Total Chlorine Residual	mg/L	grab	daily	40CFR136
Biochemical Oxygen Demand	mg/L	24-hour composite	weekly	Standard Method 5210B

Total Suspended Solids	mg/L	24-hour composite	weekly	Standard Method 2540D
Fecal Coliform	MPN	grab	weekly	Standard Method 9221E
Turbidity	NTU	grab	weekly	Standard Method 2130B
Ammonia	mg/L	grab	monthly	40CFR136
Total Copper	mg/L	24-hour composite	monthly	inductively coupled plasma
Total Zinc	mg/L	24-hour composite	monthly	inductively coupled plasma
Grease and Oil	mg/L	grab	monthly	40CFR136
Chloroform	mg/L	grab	monthly	40CFR136
Total Dissolved Solids	mg/L	grab	monthly	Standard Method 2540C
Arsenic	ug/L	grab	Annually in a month not previously sampled	40CFR136
Cadmium	ug/L	grab	annually in a month not previously sampled	40CFR136
Hexavalent Chromium	ug/L	grab	annually in a month not previously sampled	40CFR136
Lead	ug/L	grab	annually in a month not previously sampled	40CFR136
Mercury	ug/L	grab	annually in a month not previously sampled	40CFR136
Nickel	ug/L	grab	annually in a month not previously sampled	40CFR136
Selenium	ug/L	grab	annually in a month not previously sampled	40CFR136
Silver	ug/L	grab	annually in a month not previously sampled	40CFR136
Cyanide	ug/L	grab	annually in a month not previously sampled	40CFR136
Non-chlorinated Phenolic Compounds	ug/L	grab	annually in a month not previously sampled	40CFR136
Chlorinated Phenolics	ug/L	grab	annually in a month not previously sampled	40CFR136
Endosulfan	ug/L	grab	annually in a month not previously sampled	40CFR136
Endrin	ug/L	grab	annually in a month not previously sampled	40CFR136
HCH	ug/L	grab	annually in a month not previously sampled	40CFR136
Radioactivity	ug/L	grab	annually in a month not previously sampled	40CFR136
Acrolein	ug/L	grab	annually in a month not previously sampled	40CFR136
Antimony	ug/L	grab	annually in a month not previously sampled	40CFR136
bis(2-chloroethoxy) methane	ug/L	grab	annually in a month not previously sampled	40CFR136
bis(2-chloroisopropyl) ether	ug/L	grab	annually in a month not previously sampled	40CFR136
Chlorobenzene	ug/L	grab	annually in a month not previously sampled	40CFR136

Chromium	ug/L	grab	annually in a month not previously sampled	40CFR136
di-n-butyl phthalate	ug/L	grab	annually in a month not previously sampled	40CFR136
Dichlorobenzenes	ug/L	grab	annually in a month not previously sampled	40CFR136
Diethyl phthalate	ug/L	grab	annually in a month not previously sampled	40CFR136
Dimethyl phthalate	ug/L	grab	annually in a month not previously sampled	40CFR136
4,6-dinitro-2-methlyphenol	ug/L	grab	annually in a month not previously sampled	40CFR136
2,4-dinitrophenol	ug/L	grab	annually in a month not previously sampled	40CFR136
Ethylbenzene	ug/L	grab	annually in a month not previously sampled	40CFR136
Fluoranthene	ug/L	grab	annually in a month not previously sampled	40CFR136
Hexachloro cyclopentadiene	ug/L	grab	annually in a month not previously sampled	40CFR136
Nitrobenzene	ug/L	grab	annually in a month not previously sampled	40CFR136
Thallium	ug/L	grab	annually in a month not previously sampled	40CFR136
Toluene	ug/L	grab	annually in a month not previously sampled	40CFR136
Tributyltin	ug/L	grab	annually in a month not previously sampled	40CFR136
1,1,1-trichloroethane	ug/L	grab	annually in a month not previously sampled	40CFR136
Acrylonitrile	ug/L	grab	annually in a month not previously sampled	40CFR136
Aldrin	ug/L	grab	annually in a month not previously sampled	40CFR136
Benzene	ug/L	grab	annually in a month not previously sampled	40CFR136
Benzidine	ug/L	grab	annually in a month not previously sampled	40CFR136
Beryllium	ug/L	grab	annually in a month not previously sampled	40CFR136
bis(2-chloroethyl)ether	ug/L	grab	annually in a month not previously sampled	40CFR136
bis(2-ethylhexyl) phthalate	ug/L	grab	annually in a month not previously sampled	40CFR136
Carbon tetrachloride	ug/L	grab	annually in a month not previously sampled	40CFR136
Chlordane	ug/L	grab	annually in a month not previously sampled	40CFR136
Chlorodibromomethane	ug/L	grab	annually in a month not previously sampled	40CFR136
DDT	ug/L	grab	annually in a month not	40CFR136

			previously sampled	
1,4-dichlorobenzene	ug/L	grab	annually in a month not previously sampled	40CFR136
3,3'-dichlorobenzidine	ug/L	grab	annually in a month not previously sampled	40CFR136
1,2-dichloroethane	ug/L	grab	annually in a month not previously sampled	40CFR136
1,1-dichloroethylene	ug/L	grab	annually in a month not previously sampled	40CFR136
Dichlorobromoethane	ug/L	grab	annually in a month not previously sampled	40CFR136
Dichloromethane	ug/L	grab	annually in a month not previously sampled	40CFR136
1,3-dichloropropene	ug/L	grab	annually in a month not previously sampled	40CFR136
Dieldrin	ug/L	grab	annually in a month not previously sampled	40CFR136
2,4-dinitrotoluene	ug/L	grab	annually in a month not previously sampled	40CFR136
1,2-diphenylhydrazine	ug/L	grab	annually in a month not previously sampled	40CFR136
Halomethanes	ug/L	grab	annually in a month not previously sampled	40CFR136
Heptachlor	ug/L	grab	annually in a month not previously sampled	40CFR136
Heptachlor epoxide	ug/L	grab	annually in a month not previously sampled	40CFR136
Hexachlorobenzene	ug/L	grab	annually in a month not previously sampled	40CFR136
Hexachlorobutadiene	ug/L	grab	annually in a month not previously sampled	40CFR136
Hexachloroethane	ug/L	grab	annually in a month not previously sampled	40CFR136
Isophorone	ug/L	grab	annually in a month not previously sampled	40CFR136
N-nitrosodimethylamine	ug/L	grab	annually in a month not previously sampled	40CFR136
N-nitrosodi-N-propylamine	ug/L	grab	annually in a month not previously sampled	40CFR136
N-nitrosodiphenylamine	ug/L	grab	annually in a month not previously sampled	40CFR136
PAHs	ug/L	grab	annually in a month not previously sampled	40CFR136
PCBs	ug/L	grab	annually in a month not previously sampled	40CFR136
TCDD equivalents	ug/L	grab	annually in a month not previously sampled	40CFR136
1,1,2,2-tetrachloroethane	ug/L	grab	annually in a month not previously sampled	40CFR136
Tetrachloroethylene	ug/L	grab	annually in a month not previously sampled	40CFR136

Toxaphene	ug/L	grab	annually in a month not previously sampled	40CFR136
Trichloroethylene	ug/L	grab	annually in a month not previously sampled	40CFR136
1,1,2-trichloroethane	ug/L	grab	annually in a month not previously sampled	40CFR136
2,4,6-trichlorophenol	ug/L	grab	annually in a month not previously sampled	40CFR136
Vinyl chloride	ug/L	grab	annually in a month not previously sampled	40CFR136

V. (*NOT APPLICABLE*)

VI. (*NOT APPLICABLE*)

VII. (*NOT APPLICABLE*)

VIII. RECEIVING WATER MONITORING REQUIREMENTS – SURFACE WATER

A. Monitoring Location R-001

1. The permittee shall monitor the Pacific Ocean at **R-001** as follows:

Parameter	Units	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method
Total Coliform	MPN	grab	5/month	Standard Method 9221
Fecal Coliform	MPN	grab	5/month	Standard Method 9221E
Enterococcus	MPN	grab	5/month	40CFR136
Turbidity	NTU	grab	monthly	Standard Method 2130B
Dissolved Oxygen	mg/L	grab	monthly	40CFR136
pH	pH	grab	monthly	40CFR136
Total Dissolved Solids	mg/L	grab	monthly	Standard Method 2540C
Chronic Toxicity	TUc	grab	Twice annually in January and August	Ocean Plan Table III-1

A minimum of three test species with Ocean Plan Table III-1 approved critical life stage test protocols shall be used to measure chronic toxicity. If possible, the test species shall include a fish, an invertebrate, and an aquatic plant. After a one-year screening period, monitoring can be reduced to the most sensitive species. Three species testing shall be resumed when the most sensitive species is unavailable for analysis. The sensitivity of the test organisms to a reference toxicant shall be determined concurrently with each bioassay test and reported with the test results.

B. Monitoring Location R-002

1. The permittee shall monitor the Pacific Ocean at **R-002** as follows:

Parameter	Units	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method
Turbidity	NTU	grab	monthly	Standard Method 2130B
Dissolved Oxygen	mg/L	grab	monthly	40CFR136

pH	pH	grab	monthly	40CFR136
Dilution and control water		grab	annually	Chronic toxicity analyses at R-001

C. Monitoring Location R-003

1. The permittee shall monitor the Pacific Ocean at **R-003** as follows:

Parameter	Units	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method
Total Dissolved Solids	mg/L	grab	monthly	Standard Method 2540C

D. Monitoring Location R-004

1. The permittee shall monitor the Pacific Ocean at **R-004** as follows:

Parameter	Units	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method
Total Dissolved Solids	mg/L	grab	monthly	Standard Method 2540C

IX. (*NOT APPLICABLE*)

X. REPORTING REQUIREMENTS

A. General Monitoring and Reporting Requirements

1. The permittee shall comply with all Standard Provisions (Attachment D) related to monitoring, reporting, and recordkeeping.

B. Self Monitoring Reports (SMRs)

1. At any time during the term of this permit, the State or Regional Water Board may notify the permittee to electronically submit self-monitoring reports. Until such notification is given, the permittee shall submit self-monitoring reports in accordance with the requirements described below.

2. The permittee shall submit monthly Self Monitoring Reports including the results of all required monitoring using USEPA-approved test methods or other test methods specified in this Order. Monthly reports shall be due on the 1st day of the second month following the end of each calendar month.

3. Monitoring periods and reporting for all required monitoring shall be completed according to the following schedule:

Sampling Frequency	Monitoring Period Begins On…	Monitoring Period	SMR Due Date

Continuous	25 February 2006	All	First day of second calendar month following month of sampling
X / hour	25 February 2006	Hourly	First day of second calendar month following month of sampling
X / day	25 February 2006	(Midnight through 11:59 PM) or any 24-hour period that reasonably represents a calendar day for purposes of sampling.	First day of second calendar month following month of sampling
X / week	26 February 2006	Sunday through Saturday	First day of second calendar month following month of sampling
X / month	1 March 2006	1st day of calendar month through last day of calendar month	First day of second calendar month following month of sampling
X / quarter	1 April 2006	January 1 through March 31 April 1 through June 30 July 1 through September 30 October 1 through December 31	May 1 August 1 November 1 February 1
X / semi-annual period	1 July 2006	January 1 through June 30 July 1 through December 31	August 1 February 1
X / year	1 January 2007	January 1 through December 31	February 1

4. The permittee shall report with each sample result the applicable Minimum Level (ML) and the current Method Detection Limit (MDL), as determined by the procedure in 40 CFR Part 136.

5. The permittee shall arrange all reported data in a tabular format. The data shall be summarized to clearly illustrate whether the facility is operating in compliance with interim and/or final effluent limitations.

6. The permittee shall attach a cover letter to the SMR. The information contained in the cover letter shall clearly identify violations of the WDRs; discuss corrective actions taken or planned; and the proposed time schedule for corrective actions. Identified violations must include a description of the requirement that was violated and a description of the violation.

7. SMRs must be submitted to the Regional Water Board, signed and certified as required by the standard provisions (Attachment D), to the address listed below:

   Regional Water Quality Control Board
   5550 Sklylane Blvd., Suite A
   Santa Rosa, CA 95407

C. Discharge Monitoring Reports (DMRs)

1. As described in Section X.B.1 above, at any time during the term of this permit, the State or Regional Water Board may notify the permittee to electronically submit self-monitoring reports. Until such notification is given, the permittee shall submit discharge monitoring reports (DMRs) in accordance with the requirements described below.

2. DMRs must be signed and certified as required by the standard provisions (Attachment D). The Discharge shall submit the original DMR and one copy of the DMR to the address listed below:

   State Water Resources Control Board
   Discharge Monitoring Report Processing Center
   Post Office Box 671
   Sacramento, CA 95812

3. All discharge monitoring results must be reported on the official USEPA pre-printed DMR forms (EPA Form 3320-1). Forms that are self-generated or modified cannot be accepted.

D. (*not applicable***)**

Attachment F – Fact Sheet – Table of Contents

Attachment F – Fact Sheet

As described in Section II of this Order, this Fact Sheet includes the legal requirements and technical rationale that serve as the basis for the requirements of this Order.

I. PERMIT INFORMATION

The following table summarizes administrative information related to the facility.

WDID	**1A84006ODN**
Discharger	**City of Crescent City**
Name of Facility	**Crescent City Wastewater Treatment Facility**
Facility Address	**210 Battery Street**
	Crescent City CA 95531
	Del Norte County
Facility Contact, Title and Phone	**James Barnts, City Engineer (707) 464-9506**
Authorized Person to Sign and Submit Reports	**James Grace, Treatment Plant Supervisor (707) 464-5416**
Mailing Address	**377 J street, Crescent City CA 95531**
Billing Address	**(SAME)**
Type of Facility	**Publicly Owned Treatment Works (POTW)**
Major or Minor Facility	**Major**
Threat to Water Quality	**1**
Complexity	**A**
Pretreatment Program	**Yes**
Reclamation Requirements	**(NONE)**
Facility Permitted Flow	**6,120,000 gallons per day peak wet weather flow**
Facility Design Flow	**1,860,000 gallons per day average dry weather flow**
Watershed	**Pacific Ocean**
Receiving Water	**Pacific Ocean**
Receiving Water Type	**Ocean**

A. Crescent City (hereinafter permittee) is the owner and operator of the Crescent City wastewater treatment facility (hereinafter Facility) a secondary treatment facility for municipal wastewater.

B. The Facility discharges wastewater to the Pacific Ocean, a water of the United States and is currently regulated by Order R1-2000-71 which was adopted on September 22, 2000 and expired on September 22, 2005. The terms of the existing Order automatically continued in effect after the permit expiration date.

C. The permittee filed a report of waste discharge and submitted an application for renewal of its Waste Discharge Requirements (WDRs) and National Pollutant Discharge Elimination System (NPDES) permit on February 11, 2004. Supplemental Information was requested and received on September 22, 2005.

II. FACILITY DESCRIPTION

A. Description of Wastewater and Biosolids Treatment or Controls

Wastewater is received from a Crescent City collection system serving a population of approximately 5170 and a tributary County Services Area #1 collection system serving a population of approximately 9217 in surrounding areas of Del Norte County.

The existing headworks consist of a coarse screen, a grit removal basin, and an influent pumping station with four motor-driven pumps and one diesel-engine-driven pump. The existing equipment is undersized for the expected future flows and is in poor condition. The existing grit removal system at the headworks does not work well, leading to grit buildup in the pre-aeration cells ahead of the primary clarifiers. Two aeration basins are aerated with air diffusers located across the bottom. The air causes grease to float to the surface and to collect in the southeast corner of pre-aeration basin 1 and the northeast corner of pre-aeration basin 2. The grease floats in these zones but cannot be easily removed.

Primary treatment occurs in two parallel 1200-square–foot clarifiers. Secondary treatment occurs in 3 parallel 4-stage rotating biological contactors followed by 3 parallel secondary clarifiers. Each secondary clarifier has a volume of 129,000 gallons with 1,880 square feet of surface area. Treated wastewater is disinfected by addition of sodium hypochlorite with an estimated peak-flow detention time of twenty minutes prior to dechlorination with sodium bisulfite. Following dechlorination, treated wastewater is seasonally mixed with up to 0.8 MGD from a fish processing wastewater plant operated by Crescent City Harbor District. Two 4-MGD pumps transfer the combined effluent to a new 24-inch diameter ductile iron pipe outfall discharging into a rocky slot in the surf zone adjacent to Battery Point Lighthouse.

The solids thickening process currently performs poorly. Gravity is used to remove primary and secondary sludge from their respective sedimentation tanks. Secondary and primary sludge are conveyed to the gravity thickener by the manual operation of telescoping valves. This arrangement requires solids to be removed using a great deal of water to avoid plugging the pipes. The high volume of solids flow to the gravity thickener overwhelms its hydraulic capacity, causing it to perform poorly. The facility typically achieves 2 to 2.5 percent solids in the gravity-thickened solids fed to the anaerobic digesters. The gravity thickener is current housed is a wooden building. Foul air within the building is collected and run through a chemical scrubbing system. The odor control equipment is at the end of its service life.

Two existing 25-foot diameter anaerobic digesters operate in series to produce a Class B material that is disposed of in a landfill. A very thin mix of combined primary and secondary sludge at less than 2 percent solids is pumped from the gravity thickener to digester 1, where the majority of stabilization occurs. The gas mixing system is not used because of foaming problems and aging equipment. Digester gas is stored in the gas-holder-type cover of digester 1. The City's existing gas flare is inoperable, and excess gas is sometimes exhausted to the atmosphere. Digester 2 is primarily used for overflow, and produces little gas. The Downes-type floating cover of digester 2 tends to become misaligned and stuck; because the rollers and guides are not in good working order. The existing gas-tube gas mixing system is inadequate and has not been used for the past six or seven years because of performance problems and the poor condition of the mixing equipment. The only mixing is provided by pumps dedicated to sludge recirculation

for heating. Low pressures within the digester 2 cover allow backflow of digester gas from digester 1. Excessive gas is reportedly bubbling up in the annular space surrounding the digester 2 cover.

Biosolids removed from the treated wastewater are dewatered on a 1.5 meter belt press and approximately four yards per day are transported to the Dry Creek Landfill in Medford, Oregon, for disposal.

B. Discharge Points and Receiving Waters

Wastewater is discharged to the Pacific Ocean adjacent to Battery Point lighthouse.

C. Summary of Existing Requirements and Self-Monitoring Report (SMR) Data

Effluent limitations contained in the existing Order for discharges from Monitoring Location M-001 and representative monitoring data from the term of the previous Order are as follows:

Parameter (units)	Effluent Limitation			Monitoring Data (From October 2000 – To July 2005)		
	Average Monthly	Average Weekly	Maximum Daily	Highest Average Monthly Discharge	Highest Average Weekly Discharge	Highest Daily Discharge
BOD5 (mg/L)	30	45	60	37	46	47
Suspended solids (mg/L)	30	45	60	26	33	36
BOD5 (lb/day)	475	710	950	550	678	678
Suspended solids (lb/day)	475	710	950	310	394	438

D. Compliance Summary

Crescent City's wastewater treatment facilities have been operating under cease and desist orders since 1997. Historical violations could be attributed to peak flow events and to difficulties maintaining reliable secondary treatment. Fluctuating organic loadings from food processing facilities have produced periodic biochemical oxygen demand violations. Toxic chemicals have been suspected of causing similar violations. Crescent City's pretreatment program has not prevented effluent violations attributed to transient waste loadings to the treatment plant. Violations attributable to peak loadings have recently been reduced by an infiltration and inflow correction program.

E. Planned Changes

The existing coarse headworks screen will be replaced with a channel grinder. A screening auger will convey the ground screenings to a screening hopper for disposal. The largest channel grinder that can fit into the existing 3-foot-wide channel has a capacity of 15 MGD.

Multiple influent pumps will be installed for redundancy and to provide enough pumping turn down to meet low flow conditions estimated at 0.5 MGD. The rehabilitated influent pumping

station will have a firm capacity of 7.8 MGD with the largest pump out of service. Pumping capacity will be approximately 12 MGD with all pumps in service.

The current grit removal system is scheduled to be demolished. Grit removal will be relocated to the existing pre-aeration basins. An air-diffusion header will be centered across the bottom of each pre-aeration basin, causing turbulence and a rolling pattern that will aid in separating the heavier grit from the organic material in the flow stream. The aeration action will also cause the lighter material such as scum and grease to float to the surface. The bottom of the aeration basins are sloped to a low point where grit can collect and be drawn off through grit collection piping to an existing recessed-impeller-type grit pump. Using a submersible recessed-impeller-type pump at the low point in each pre-aeration basin, grit slurry will be pumped to a new grit cyclone separator that includes a grit cyclone separator and washer. The washed grit will be dropped into a grit bin to be trucked to a landfill.

Grease removal from the primary influent will be accomplished within the pre-aeration basins on the east end of each primary clarifier. The grease will be removed by using motorized tipping troughs along the center wall between the pre-aeration basins. The troughs will collect grease and drop it into a collection box located on the east end of the basins. Once the grease is accumulated in the collection box, an outlet pipe with a sluice gate can be opened to direct the grease to a bin. A drain off the bottom of the bin will allow excess liquid to be emptied to an equipment drain. The contents of the bin will be designated for landfill disposal.

Newly installed pumps will transfer solids from both primary and secondary clarifiers so a lower volume of 1 to 3 percent solids sludge can be pulled from the tanks. One pump will be dedicated to each basin. The pumps will be convoluted-rotary-lobe-type and will be provided with variable-speed drives. The gravity thickener (GT) will be solely dedicated to thickening primary sludge. A flat aluminum cover will be placed over the thickener to reduce the amount of foul air needing to be treated. Access hatches will be provided to gain access to the launders for cleaning. The foul air below the cover will be treated with a foul air treatment system. The wooden building will be demolished, leaving room for the future digester control building and improved vehicular access. The existing transfer pump in the Mechanical Building will continue to be used to pump sludge to the digesters.

Secondary sludge will be thickened separately with a new rotary drum thickener (RDT) installed in the Mechanical Building. Existing influent piping to the gravity thickener will be rerouted to allow primary sludge to be pumped directly to the thickener. The RDT revolves at comparatively low speeds, separating solids as they travel along the rotating screen. The existing digester 2 cover will be repaired or replaced. Horizontal centrifugal chopper pumps will be installed for each digester. The digesters will be converted to parallel operation with increased control of sludge feed, heating, storage, consumption, and extraction. A new gas flare will be installed; and the amount of gas stored in the gas-holder type cover will be determined with installation of a new sludge level sensor.

Crescent City is considering additional treatment capacity with membrane bioreactors if a market develops for recycled water.

III. APPLICABLE PLANS, POLICIES, AND REGULATIONS

The requirements contained in the proposed Order are based on the requirements and authorities described in this section.

A. Legal Authorities

This Order is issued pursuant to section 402 of the Federal Clean Water Act (CWA) and implementing regulations adopted by the U.S. Environmental Protection Agency (USEPA) and Chapter 5.5, Division 7 of the California Water Code (CWC). It shall serve as a NPDES permit for point source discharges from this facility to surface waters. This Order also serves as Waste Discharge Requirements (WDRs) pursuant to Article 4, Chapter 4 of the CWC for discharges that are not subject to regulation under CWA section 402.

B. California Environmental Quality Act (CEQA)

This action to adopt an NPDES permit is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21100, et seq.) in accordance with Section 13389 of the CWC.

C. State and Federal Regulations, Policies, and Plans

1. **Water Quality Control Plans.** The Regional Water Board adopted a Water Quality Control Plan for the North Coast Basin (hereinafter Basin Plan) that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan. Beneficial uses applicable to the Pacific Ocean are as follows:

Discharge Point	Receiving Water Name	Beneficial Use(s)
001	Pacific Ocean	Existing: Navigation (NAV); water contact recreation (REC1); non-contact water recreation (REC2); commercial and sport fishing (COMM); wildlife habitat (WILD), preservation or rare, threatened or endangered species (RARE); marine habitat (MAR); migration of aquatic organisms (MIGR); spawning, reproduction, and/or early de4velopment (SPWN); shellfish harvesting (SHELL); aquaculture (AQUA). Potential: Industrial service supply (IND); industrial process supply (PRO); preservation of areas of special biological significance (ASBS).

2. **Antidegradation Policy.** Section 131.12 of 40 CFR requires that State water quality standards include an antidegradation policy consistent with the federal policy. The State Water Board established California's antidegradation policy in State Water Board Resolution 68-16, which incorporates the requirements of the federal antidegradation policy. Resolution 68-16 requires that existing water quality is maintained unless degradation is justified based on specific findings. As discussed in detail in this Fact Sheet, the permitted discharge is consistent with the antidegradation provision of 40 CFR §131.12 and State Water Board Resolution 68-16.

3. **Anti-Backsliding Requirements.** Sections 402(o)(2) and 303(d)(4) of the CWA and 40 CFR §122.44(l) prohibit backsliding in NPDES permits. These anti-backsliding provisions require that effluent limitations in a reissued permit must be as stringent as those in the previous permit, subject to various exceptions. Some effluent limitations in the Order are less stringent that those in the previous Order. As discussed in this Fact Sheet, these changes to effluent limitations are consistent with the anti-backsliding requirements of the CWA and federal regulations.

4. **Monitoring and Reporting Requirements.** Section 122.48 of 40 CFR requires that all NPDES permits specify requirements for recording and reporting monitoring results. Sections 13267 and 13383 of the CWC authorize the Regional Water Boards to require technical and monitoring reports. The Monitoring and Reporting Program (MRP) establishes monitoring and reporting requirements to implement federal and State requirements. This MRP is provided in Attachment E.

D. (*Not Applicable***)**

E. Other Plans, Polices and Regulations

1. The "Water Quality Control Plan for Ocean Waters of California" establishes beneficial uses and water quality objectives for waters of the Pacific Ocean adjacent to the California Coast outside of enclosed bays, estuaries and coastal lagoons.

2. The Basin Plan contains a narrative objective (standard) for toxicity that requires:

   All waters shall be maintained free of toxic substances in concentrations that are toxic to, or that produce detrimental physiological responses in human, plant, animal, or aquatic life. Compliance with this objective will be determined by use of indicator organisms, analyses of species diversity, population density, growth anomalies, bioassay of appropriate duration or other appropriate methods as specified by the Regional Water Board.

   The survival of aquatic life in surface waters subjected to a waste discharge, or other controllable water quality factors, shall not be less than that for the same water body in areas unaffected by the waste discharge, or when necessary for other control water that is consistent with the requirements for "experimental water" as described in Standard Methods for the Examination of Water and Wastewater 18th Edition (1992). At a minimum, compliance with this objective as stated in the previous sentence shall be evaluated with a 96-hour bioassay.

   In addition, effluent limits based upon acute bioassays of effluent will be prescribed. Where appropriate, additional numerical receiving water objectives for specific toxicants will be established as sufficient data become available, and source control of toxic substances will be encouraged.

3. The permittee has storm water discharges associated with industrial activities, category "ix" as defined in 40 CFR section 122.26(b)(14). The permittee has prepared a Storm Water

Pollution Prevention Plan (SWPP Plan) and has implemented the provisions of the SWPP Plan. The permittee must describe storm water discharges, appropriate pollution prevention practices and best management practices in a completed Notice of Intent to be submitted to the State Water Resources Control Board (State Water Board) pursuant to the Statewide General Permit Program.

IV. RATIONALE FOR EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS

The CWA requires point source discharges to control the amount of conventional, non-conventional, and toxic pollutants that are discharged into the waters of the United States. The control of pollutants discharged is established through effluent limitations; and other requirements in NPDES permits. There are two principal bases for effluent limitations: 40 CFR §122.44(a) requires that permits include applicable technology-based limitations and standards; and 40 CFR §122.44(d) requires that permits include water quality-based effluent limitations to attain and maintain applicable numeric and narrative water quality criteria to protect the beneficial uses of the receiving water. Where numeric water quality objectives have not been established. Three options exist to protect water quality: 1) 40 CFR §122.44(d) specifies that WQBELs may be established using USEPA criteria guidance under CWA section 304(a); 2) proposed State criteria or a State policy interpreting narrative criteria supplemented with other relevant information may be used; or 3) an indicator parameter may be established.

A. Discharge Prohibitions

1. **Discharge Prohibition III. A. The discharge of any waste not disclosed by the Permittee or not within the reasonable contemplation of the Regional Water Board is prohibited.**

   This prohibition is based on the Basin Plan, previous Order, and State Water Resources Control Board Order WQO 2002-0012 regarding the petition of Waste Discharge Requirements Order No. 01-072 for the East Bay Municipal Utility District and Bay Area Clean Water Agencies. In SWRCB Order WQO 2002-0012, the State Water Board found that this prohibition is acceptable in permits, but should be interpreted to apply only to constituents that are either not disclosed by the permittee or are not reasonably anticipated to be present in the discharge, but have not been disclosed by the permittee. It specifically does not apply to constituents in the discharge that do not have "reasonable potential" to exceed water quality objectives.

   The State Water Board has stated that the only pollutants not covered by this prohibition are those which were "disclosed to the permitting and . . . can be reasonably contemplated." (In re the Petition of East Bay Municipal Utilities District et al., (SWRCB 2002) Order No. WQ 2002-0012, p. 24.) The case cited in that order by the State Water Board reasoned that the permittee is liable for discharges "not within the reasonable contemplation of the permitting authority . . . , whether spills or otherwise . . . ." (Piney Run Preservation Assn. v. County Commissioners of Carroll County, Maryland (4th Cir. 2001) 268 F.3d 255, 268.) Thus, State Water Board authority provides that, to be permissible, the constituent discharged (1) must have been disclosed by the permittee and (2) can be reasonably contemplated by the Regional Water Board.

The Regional Water Board has the authority to determine whether the discharge of a constituent is "reasonably contemplated." The Piney Run case makes clear that the permittee is liable for discharges "not within the reasonable contemplation of the permitting authority . . . , whether spills or otherwise . . . ." (268 F.3d 255, 268 [italics added].) In other words, whether or not the Permittee reasonably contemplates the discharge of a constituent is not relevant. What matters is whether the Permittee disclosed the constituent to the Regional Water Board or whether the presence of the pollutant in the discharge can otherwise be reasonably contemplated by the Regional Water Board at the time of permit adoption.

2. **Discharge Prohibition III.B. Creation of a pollution, contamination, or nuisance, as defined by Section 13050 of the California Water Code (CWC) is prohibited.**

   This prohibition is based on CWC section 13050.

3. **Discharge Prohibition III.C. The discharge of sludge is prohibited within the State of California.**

   This prohibition is based on Crescent City's report of waste discharge specification that sludge is transported to an Oregon landfill and the Regional Water Board's lack of authority to regulate sludge disposal outside of California.

4. **Discharge Prohibition III.D. The discharge or reclamation of untreated or partially treated waste (receiving a lower level of treatment than described in Finding II.B) from anywhere within the collection, treatment, or disposal facility is prohibited, except as provided for in Attachment D, Standard Provision I.G [Bypass Provision].**

   This prohibition is based on the Basin Plan to protect beneficial uses of the receiving water from unpermitted discharges, and the intent of CWC sections 13260 through 13264 relating to the discharge of waste to waters of the State without filing for and being issued a permit. This prohibition applies to, but is not limited to, sanitary sewer overflows, spills, and other unauthorized discharges of wastewater within the collection, treatment, reclamation, and disposal facilities.

5. **Discharge Prohibition III.F. The discharge of waste at any point not described in Finding II.B. or authorized by any State Water Board or other Regional Water Board permit is prohibited.**

   This prohibition is a general prohibition that allows the Permittee to discharge waste only in accordance with waste discharge requirements. It is based on Sections 301 and 402 of the federal CWA and CWC section 13263.

B. Technology-Based Effluent Limitations

1. Scope and Authority

As required by section 301(b)(1)(B) of the CWA, the U.S. EPA developed wastewater treatment standards for POTWs to identify the minimum level of effluent quality attainable by secondary treatment. These technology-based effluent limitations establish a treatment

performance level in terms of Biochemical Oxygen Demand (BOD_5), suspended solids, and pH. As described in 40 CFR Part 133, secondary treatment shall achieve the following effluent standards:

BOD and Suspended Solids

i. The 30-day average shall not exceed 30 mg/l.
ii. The 7-day average shall not exceed 45 mg/l.
iii. The 30-day average percent removal shall not be less than 85 percent.

2. Applicable Technology-Based Effluent Limitations

a. Biochemical Oxygen Demand

A permit may be renewed, reissued, or modified to contain a less stringent effluent limitation if new information has become available that was not previously available that justifies the application of a less stringent effluent limitation. (33 USC § 1342 (o)(2)(B)(i).) The maximum concentration limitation and maximum mass emission limitation present technology requirements and are not applicable nor required for secondary treatment under 40 CFR § 133. Accordingly, these limitations are omitted from this permit because the limitations promulgated subsequent to the issuance of the original permit present new information not available at that time that justifies the change. Concentration effluent limitations required under 40 CFR §133 remain in effect.

A permit may be renewed, reissued, or modified to contain a less stringent effluent limitation if technical mistakes or mistaken interpretations of law were made in issuing the previous permit. (33 USC § 1342 (o)(2)(B)(ii).) The monthly average mass emission limitation has been modified to be numerically higher than the previous permit. The weekly average mass emission limitation has been increased proportionally. These changes provide a more supportable calculation for mass-based effluent limitations that takes into consideration wet weather flow and wastewater treatment facility performance demonstrated over the period of the expiring permit.

Under 40 CFR § 133.103(d), a lower percent removal requirement may be substituted under special circumstances, including facilities involving less concentrated influent wastewater for separate sewers if certain conditions are met. (40 CFR § 133.103 (d).) This permit specifies a percent removal limitation of 75 percent, reflecting 95th percentile wastewater treatment plant performance from initial implementation of infiltration/inflow correction until the Rumiano pretreatment facility went on-line. This is lower than previous permit requirements of 85 percent removal limitation (through an administrative error, the expiring permit did not list any percent removal limitation, however, the 1984 and 1989 permits did contain the 85 percent BOD removal requirement). The facility will consistently meet its permit effluent concentration limits but the 85 percent removal requirement cannot be met due to less concentrated influent wastewater, and to meet the requirement, the facility would have to achieve significantly more stringent limitations than otherwise required. Also, the less concentrated influent is not the result of excessive I/I. To compensate for BOD removal in advance of influent monitoring, this permit allows summing BOD removal by the Rumiano pretreatment plant with BOD removal at the wastewater treatment facility in computation of BOD removal.

b. Suspended Solids

The same analysis for BOD listed above applies for suspended solids, except that the 85 percent removal requirement for suspended solids remains in force under this permit. The state is only authorized to substitute a lower percent removal requirement under 40 CFR § 133.103(d) if the previous percent removal requirement cannot be met due to less concentrated influent wastewater. The wastewater treatment plant has consistently removed 85 percent of suspended solids under normal operating conditions.

Settleable Solids

Daily maximum and average monthly effluent limitations have been continued from the expiring NPDES permit. The Crescent City wastewater treatment facility has consistently met these effluent limitations.

c. Fecal Coliform Organisms

Monrthly median and 90th percentlile effluent limitations have been continued from the expiring NPDES permit. The Crescent City wastewater treatment facility has consistently met these effluent limitations.

Summary of Technology-based Effluent Limitations
Discharge Point 001

Parameter	Units	Effluent Limitations					
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum	Six-Month Median
Biochemical Oxygen Demand 5-day @ 20°C	mg/L	30	45				
	lbs/day	700	1050				
Total Suspended Solids	mg/L	30	45				
	lbs/day	475	710				
Settleable Solids	ml/L	0.1		0.2			

b. **Biochemical Oxygen Demand Percent Removal:** The average monthly percent removal of BOD 5-day 20°C shall not be less than 75 percent.

c. **Total Suspended Solids Percent Removal:** The average monthly percent removal of total suspended solids shall not be less than 85 percent.

d. **Most Probable Number (MPN) of Fecal Coliform Organisms per 100 milliliters:** The monthly median shall not exceed 14 and not more than ten percent of the samples collected in any calendar month shall exceed 43.

C. Water Quality-Based Effluent Limitations (WQBELs)

1. Scope and Authority

As specified in 40 CFR §122.44(d)(1)(i), permits are required to include WQBELs for pollutants (including toxicity) that are or may be discharged at levels that cause, have reasonable potential to cause, or contribute to an excursion above any state water quality standard. The process for determining reasonable potential and calculating WQBELs when necessary is intended to protect the designated uses for the receiving water as specified in the Ocean Plan.

2. Applicable Beneficial Uses and Water Quality Criteria and Objectives

Beneficial uses are specified in the Water Quality Control Plan for the North Coast Basin. Water Quality objectives are specified in Table A and Table B of the Ocean Plan.

3. Determining the Need for WQBELs

Regional Water Board Staff conducted a reasonable potential analysis for physical and chemical water quality modifiers listed in Table A and Table B of the Ocean Plan. Reasonable potential for pH, settleable solids, turbidity, ammonia, oil & grease, and total chlorine residual was determined on the basis of routine monitoring results. Reasonable potential for copper, zinc, and chloroform was determined on the basis of monitoring results for priority pollutants. Reasonable potential for bis(2-chloroethyl) ether, bis(2-chloroethoxy) methane, and nitrosodimethyl amine was assumed because Crescent City failed to provide analytical data to complete USEPA form 2A submitted with the report of waste discharge.

4. WQBEL Calculations

Initial dilution, as defined in the Ocean Plan, was determined by modeling mixing resulting from wave action within the rocky "slot" receiving effluent. Water within the slot was assumed to be completely mixed by the action of breaking waves. The period of mixing was assumed to correspond to the median dominant wave period measured by the National Oceanic and Atmospheric Administration (NOAA) at the nearest observation buoy. Effluent discharged during that period was assumed to mix with a volume of receiving water equal to the product of the surface area of the slot and the median significant wave amplitude measured by NOAA. A re-entrainment factor for previously mixed effluent was considered proportional to NOAA measured median wind velocities producing transverse coastal currents. The model was calibrated against observations during a 1982 dye study producing an estimated initial dilution of 50:1. Model results are compared below:

	1982 Dye Study	NOAA August	NOAA December
Effluent flow	1.4 MGD	1.86 MGD	6.92 MGD
Wave period	--	8 seconds	12.5 seconds
Wave height	7 feet	5 feet	10 feet
Wind velocity	6 knots	8 knots	12 knots
Dilution ratio	50:1	37:1	29:1

NOAA August represents average dilution conditions during minimal wave energies expected during average dry weather flows. NOAA December represents average dilution conditions during maximum wave energies expected during wet-weather flows. NOAA December effluent flow is the sum of the 0.8 MGD design flow for the Crescent City Harbor District seafood processing plant plus the limiting 6.12 MGD peak flow design (for disinfection) of the Crescent City wastewater facility. The Crescent City Harbor District seafood processing plant uses the Crescent City outfall structure and only operates during the winter fishing season. A dilution ratio of 29:1 was used to compute Ocean Plan Table B effluent limitations in accordance with procedures specified in the Ocean Plan program of implementation.

Summary of Water Quality-based Effluent Limitations
Discharge Point 001

Parameter	Units	Effluent Limitations					
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum	Six-Month Median
pH	standard units				6.0	9.0	
Oil and Grease	mg/L	25	40			75	
Settleable Solids	ml/L					3.0	
Turbidity	NTU	75	100			225	
Total Chlorine Residual	mg/L			0.24		1.8	0.06
Ammonia	mg N/L			72		180	18
Copper	mg/L			0.3		0.84	0.032
Zinc	mg/L			2.2		5.8	0.37
Chloroform	mg/L	3.9					
Bis(2-chloroethyl) ether	ug/L	1.4					
Bis(2-chloroethoxy) methane	ug/L	130					
N-nitrosodimethyl amine	ug/L	220					

V. RATIONALE FOR RECEIVING WATER LIMITATIONS

A. Surface Water

Receiving water limitations reflect Ocean Plan water quality objectives.

VI. RATIONALE FOR MONITORING AND REPORTING REQUIREMENTS

Section 122.48 of 40 CFR requires all NPDES permits to specify recording and reporting of monitoring results. Sections 13267 and 13383 of the California Water Code authorize the Water Boards to require technical and monitoring reports. The Monitoring and Reporting Program, Attachment E of this Order, establishes monitoring and reporting requirements to implement federal and state requirements. The following provides the rationale for the monitoring and reporting requirements contained in the Monitoring and Reporting Program for this facility.

A. Influent Monitoring

Influent monitoring of biochemical oxygen demand and total suspended solids is required for computation of percent removal effluent limitations.

B. Effluent Monitoring

Flow measurements are required to determine compliance with mass effluent limitations. Analyses for settleable solids, pH, turbidity, and grease & oil are required to determine compliance with effluent limitations for Ocean Plan Table A objectives. Analyses for biochemical oxygen demand and total suspended solids are required to determine compliance with the 40CFR133 definition of secondary treatment. Total dissolved solids analyses are required to verify the initial dilution model used to assess Ocean Plan compliance. All other analyses are required to determine compliance with effluent limitations for Ocean Plan Table B objectives.

C. (*not applicable*)

D. Receiving Water Monitoring

1. Surface Water

Monitoring location R-001 (Pacific Ocean adjacent to the slot on the east side of Battery Point Light) represents water quality of an area within the waste field where initial dilution (as defined in the Ocean Plan) is complete. Monitoring location R-002 (Pacific Ocean in False Klamath Cove) represents water quality in an area unaffected by the waste. Monitoring locations R-003 (Pacific Ocean on the east side of Whaler Island) and R-004 (Pacific Ocean adjacent to Preston Island) represent background receiving water for purposes of dilution ratio verification.

Analyses for total coliform, fecal coliform, and enterococcus are required at R-001 to determine compliance with Ocean Plan bacterial water quality objectives. Analyses for turbidity, dissolved oxygen, and pH are required at R-001 to determine compliance with Ocean Plan physical and chemical water quality objectives. Total dissolved solids analyses are

required at R-001 to verify the initial dilution model. Chronic toxicity analyses at R-001 conform to Ocean Plan toxicity testing requirements.

Analyses of turbidity, dissolved oxygen, and pH are required at R-002 to determine background values for comparison with analyses at R-001.

Total dissolved solids analyses are required at R-003 and R-004 to verify the initial dilution model when coastal currents may be carrying the effluent plume either north or south along the coast.

VII. RATIONALE FOR PROVISIONS

A. Standard Provisions

Standard Provisions, which in accordance with 40 CFR §§122.41and 122.42, apply to all NPDES discharges and must be included in every NPDES permit, are provided in Attachment D to the Order.

B. Special Provisions for Municipal Facilities (POTWs Only)

a. **Wastewater Collection System (ProvisionVI.C.6.a)**

The U.S. EPA has prepared a draft proposed rule intended to address the control of sanitary sewer overflow from municipal wastewater collection systems. The core requirement in the draft Rule is for proper system management under the framework of "CMOM." The proposed CMOM (for Capacity, Management, Operations and Maintenance) rule was to be published in the Federal Register by late 2002, after final review by the federal executive branch. The intent of the Rule is to eliminate "preventable" SSOs by requiring entities to implement appropriate capacity, management, operations, and maintenance practices. The permit conditions under the proposed draft rule will be derived from the Clean Water Act sections 304(i), 308, and 402(a).

A CMOM program is a structured program for managers of wastewater collection system to optimize system performance and maintain their facilities. CMOM is an iterative process of evaluating and improving procedures for managing collection systems and ensuring system performance. Under United States Environmental Protection Agency's (EPA's) draft proposed sanitary sewer overflow (SSO) Rule, collection system utilities must meet five performance standards:

- Properly manage, operate and maintain all parts of the collection system;
- Provide adequate conveyance capacity;
- Reduce the impact of any SSOs;
- Provide notification to parties who may be exposed to a SSO; and
- Document the CMOM program in a written plan.

The State Water Resources Control Board is moving forward with implementation of the proposed federal rule, but has of yet not promulgated statewide regulations. Nevertheless, proper management of the municipal wastewater collection system is an

integral component of a properly operating publicly owned treatment works as required by 40 CFR 122.41 (e). The Permit incorporates many of the goals of the EPA's proposed CMOM program. In addition, entities that comply with the CMOM regulations and have acceptable CMOM programs in place will be better able to assert an affirmative defense for unpreventable SSO incidents, and avoid or mitigate regulatory enforcement actions that will otherwise occur.

b. **Sanitary Sewer Overflows (Provision VI.C.6.b)**
The Permit contains provisions that require development and implementation of a management, operation, and maintenance program for its wastewater collection system and clearly identifies the reporting requirements for sanitary sewer overflows. The goal of these provisions is to ensure appropriate and timely response by the Discharger to sanitary sewer overflows to protect public health and water quality. The Plan also includes provisions to ensure adequate notifications are made to the appropriate local, state, and federal authorities.

c. **Industrial Pretreatment (Provision VI.C.6.c)**
Crescent City has a long history of effluent violations attributable to discharges from food processing plants. The secondary treatment process has been unable to cope with the relatively high organic loading and irregular timing of these discharges. Crescent City presently depends upon the reliability of a food processing pretreatment facility to keep total organic loading within wastewater treatment plant design.

Despite the significance of industrial loading and the necessity for municipal oversight, recent pretreatment inspections have noted shortcomings in Crescent City's pretreatment program. This permit requires implementation of a conventional pretreatment program to reduce effluent violations attributable to uncontrolled discharges to the wastewater collection system.

d. **Operator Certification (Provision VI.C.6.d)**
This provision requires the WWTF to be operated by supervisors and operators who are certified as required by Title 23, CCR, section 3680.

VIII. PUBLIC PARTICIPATION

The California Regional Water Quality Control Board, North Coast Region (Regional Water Board) is considering the issuance of waste discharge requirements (WDRs) that will serve as a National Pollutant Discharge Elimination System (NPDES) permit for the Crescent City wastewater treatment facility. As a step in the WDR adoption process, the Regional Water Board staff has developed tentative WDRs. The Regional Water Board encourages public participation in the WDR adoption process.

A. Notification of Interested Parties

The Regional Water Board has notified the permittee and interested agencies and persons of its intent to prescribe waste discharge requirements for the discharge and has provided them with an opportunity to submit their written comments and recommendations. Notification was provided through publication in the Daily Triplicate on November 23, 2005.

B. Written Comments

The staff determinations are tentative. Interested persons are invited to submit written comments concerning these tentative WDRs. Comments should be submitted either in person or by mail to the Executive Office at the Regional Water Board at the address above on the cover page of this Order.

To be fully responded to by staff and considered by the Regional Water Board, written comments must be received at the Regional Water Board offices by 5:00 p.m. on December 23, 2005.

C. Public Hearing

The Regional Water Board will hold a public hearing on the tentative WDRs during its regular Board meeting on the following date and time and at the following location:

Date: January 25, 2006
Time: 9:00 a.m.
Location: Crescent City Cultural Center
1001 Front Street
Crescent City CA 95531

Interested persons are invited to attend. At the public hearing, the Regional Water Board will hear testimony, if any, pertinent to the discharge, waste discharge requirements, and permit. Oral testimony will be heard; however, for accuracy of the record, important testimony should be in writing.

Please be aware that dates and venues may change. Our web address is http://www.waterboards.ca.gov/northcoast/ where you can access the current agenda for changes in dates and locations.

D. Waste Discharge Requirements Petitions

Any aggrieved person may petition the State Water Resources Control Board to review the decision of the Regional Water Board regarding the final WDRs. The petition must be submitted within 30 days of the Regional Water Board's action to the following address:

State Water Resources Control Board
Office of Chief Counsel
P.O. Box 100, 1001 I Street
Sacramento, CA 95812-0100

E. Information and Copying

The Report of Waste Discharge (RWD), related documents, tentative effluent limitations and special provisions, comments received, and other information are on file and may be inspected at the address above at any time between 8:30 a.m. and 4:45 p.m., Monday through Friday. Copying of documents may be arranged through the Regional Water Board by calling (707)576-2220.

F. Register of Interested Persons

Any person interested in being placed on the mailing list for information regarding the WDRs and NPDES permit should contact the Regional Water Board, reference this facility, and provide a name, address, and phone number.

G. Additional Information

Requests for additional information or questions regarding this order should be directed to Albert Wellman at awellman@waterboards.ca.gov.